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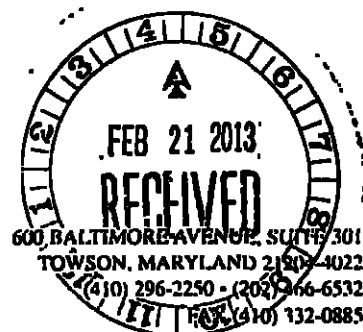
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FEB 21 2013

TRANSPORTATION BOARD

February 21, 2013

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423



ENTERED
Office of Proceedings

FEB 21 2013

Part of
Public Record

233830

RE Docket No. AB-55 (Sub-No 726X), *CSX Transportation, Inc.—
Abandonment and Discontinuance of Service Exemption—in the City of
Richmond and Henrico County, VA*
Docket No. AB-290 (Sub-No 303X), *Norfolk Southern Railway
Company—Abandonment and Discontinuance of Service Exemption—in
the City of Richmond and Henrico County, VA*

233831

Dear Ms. Brown:

Enclosed for filing are the original and 10 copies of a Petition for Exemption to exempt, under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, the abandonment and discontinuance of service over a 1.55-mile railroad line known as the James River Industrial Track, between State Road 5 and the end of the line in the City of Richmond and Henrico County, VA by CSX Transportation, Inc. and Norfolk Southern Railway Company. A disc containing a WORD and pdf version of the Petition is enclosed. CSXT and NSR are each submitting a check in the amount of \$6,500 for the filing fee.

Please time and date stamp the extra copy of this letter and the Petition for Exemption and return it with the messenger. Thank you for your assistance.

If you have any questions, please call or email me.

Sincerely yours,

Louis E. Gitomer
Attorney for: CSX Transportation, Inc.

Enclosure

FILED
FEB 21 2013
SURFACE
TRANSPORTATION BOARD

RECEIVED

FEB 21 2013

**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No 726X)

233830

CSX TRANSPORTATION, INC.-ABANDONMENT AND DISCONTINUANCE OF
SERVICE EXEMPTION-IN THE CITY OF RICHMOND AND HENRICO COUNTY, VA

Docket No AB-290 (Sub-No. 303X)

233831

NORFOLK SOUTHERN RAILWAY COMPANY-ABANDONMENT AND
DISCONTINUANCE OF SERVICE EXEMPTION-IN THE CITY OF RICHMOND AND
HENRICO COUNTY, VA

PETITION FOR EXEMPTION

FILED

FEB 21 2013

**SURFACE
TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
FEB 21 2013
Public Record

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Attorney for NORFOLK SOUTHERN
RAILWAY COMPANY

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: February 21, 2013

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-55 (Sub-No 726X)

**CSX TRANSPORTATION, INC.—ABANDONMENT AND DISCONTINUANCE OF
SERVICE EXEMPTION—IN THE CITY OF RICHMOND AND HENRICO COUNTY, VA**

Docket No. AB-290 (Sub-No. 303X)

**NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT AND
DISCONTINUANCE OF SERVICE EXEMPTION—IN THE CITY OF RICHMOND AND
HENRICO COUNTY, VA**

PETITION FOR EXEMPTION

CSX Transportation, Inc (“CSXT”) and Norfolk Southern Railway Company (“NSR”) petition the Surface Transportation Board (the “Board”) to exempt from 49 U.S.C. §10903, under 49 U.S.C. §10502, the abandonment and discontinuance of service by CSXT and NSR over a 1.55-mile railroad line known as the James River Industrial Track, between State Road 5 and the end of the line, which traverses through United States Postal Service ZIP Code 23231 in the City of Richmond and Henrico County, VA (the “Line”). There are no mileposts on the Line. CSXT and NSR jointly own a portion of the Line, CSXT individually owns a different portion of the Line. NSR individually owns a different portion of the Line, and CSXT and NSR are both authorized to operate over the entire Line. CSXT and NSR have each filed for an exemption to abandon the entire Line so that each is authorized to abandon the portions of the Line that it owns and so that there are no gaps in the abandonment authority.

The City of Richmond and Henrico County desire to convert the Line into a trail. The last shipper on the Line, Lehigh Cement Company, LLC, has moved to another location and does not oppose the abandonment and discontinuance (see Exhibit C, Attachment 1). There is no overhead traffic on the Line. CSXT and NSR are seeking to abandon and discontinue service over the Line to facilitate the plans of Richmond and Henrico County to use the Line for trail purposes.

By abandoning and discontinuing service over the Line, CSXT and NSR will also avoid the costs for operating and maintaining the Line

PROPOSED TRANSACTION

CSXT and NSR propose to abandon and discontinue service over a 1.55-mile railroad line known as the James River Industrial Track, extending between State Road 5 and the end of the line. The Line serves the station of Richmond, VA. A map of the Line is attached as Exhibit A (a colored version is in Exhibit G). Exhibit B consists of the Environmental Report and Exhibit C consists of the Historic Report. The draft Federal Register Notice is in Exhibit D, and copies of the newspaper publication and the required certification are in Exhibit E. The certificate of service is in Exhibit F. Colored Exhibits are in Exhibit G.

Based on information in the possession of CSXT and NSR, the Line does not contain federally granted rights-of-way. Any documentation in the possession of CSXT or NSR concerning title will be made available to those requesting it.

BACKGROUND

The 1.55-mile Line is located in Richmond, VA. CSXT, NSR, and their respective predecessors have owned and jointly operated over the Line since 1923 (see Exhibit C, Attachment 6). The Line runs along the James River. It was badly flood damaged in 1985, and

subsequently reconstructed (see Exhibit C. response 8). The only shipper on the Line, Lehigh Cement Company, LLC ("Lehigh") is located at the end of the Line. Lehigh leased its facility from the City of Richmond. The lease terminated on October 31, 2012, at which time Lehigh relocated its facility. Lehigh does not oppose the proposed abandonment and discontinuance of service. See letter in Exhibit C, Attachment 1.

The City of Richmond and Henrico County seek to acquire the Line to develop it as the Richmond Riverfront Phase of the Virginia Capital Trail. CSXT and NSR understand that, pursuant to 49 C.F.R. §1152.29(a), the City of Richmond and Henrico County will each file a petition seeking interim trail use/rail banking of the portion of the Line within its jurisdiction. CSXT and NSR are amenable to converting the Line into a trail under 16 U.S.C. §1247(d).

CSXT provided service to Lehigh until Lehigh ceased operations on October 31, 2012. NSR, on the other hand, ceased operating over the line over two years ago. With the relocation of Lehigh, there are no longer any shippers on the Line to justify retaining and maintaining it.

By abandoning the Line, CSXT and NSR collectively will save about \$15,500 in annual maintenance costs. In addition, CSXT and NSR estimate that valuation of the property is about \$185,918 (net liquidation value of \$222,031 less income tax consequences of \$84,372 plus working capital of \$48,259). Retaining the Line would result in opportunity costs of \$31,383, based on a nominal rate of return of 16.88%.

The Line is not generating any rail business or revenue for either CSXT or NSR, but maintenance costs are still being incurred. And, as mentioned above, CSXT and NSR are foregoing opportunity costs. The City of Richmond and Henrico County propose using the Line's right-of-way for the purpose of extending the Virginia Capital Trail.

ARGUMENT SUPPORTING THE ABANDONMENT AND DISCONTINUANCE OF SERVICE

CSXT and NSR seek exemptions under 49 U.S.C. § 10502 from the otherwise applicable formal requirements of 49 U.S.C. § 10903 in order to abandon and discontinue service over the Line.

Under 49 U.S.C. § 10502, the Board must exempt a transaction from regulation when it finds that

(1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and

(2) either

(a) the transaction is of limited scope, or

(b) regulation is not necessary to protect shippers from the abuse of market power.

The legislative history of Section 10502 reveals a clear Congressional intent that the Board should liberally use its exemption authority to free certain transactions from the administrative and financial costs associated with continued regulation. In enacting the Staggers Rail Act of 1980, Pub. L. No. 96-488, 94 Stat. 1895, Congress encouraged the Board's predecessor agency to liberally use the expanded exemption authority under former Section 10505

The policy underlying this provision is that while Congress has been able to identify broad areas of commerce where reduced regulation is clearly warranted, the Commission is more capable through the administrative process of examining specific regulatory provisions and practices not yet addressed by Congress to determine where they can be deregulated consistent with the policies of Congress. The conferees expect that, consistent with the policies of this Act, the Commission will pursue partial and complete exemption from remaining regulation.

H.R. Rep No. 1430, 96 the Cong. 2d Sess. 105 (1980). See also *Exemption From Regulation--Boxcar Traffic*, 367 I C.C. 424, 428 (1983), vacated and remanded on other grounds, *Brae Corp v. United States*, 740 F 2d 1023 (D C. Cir 1984). Congress reaffirmed this policy in the conference report accompanying the ICC Termination Act of 1995, Pub L. No. 104-88, 109 Stat. 803, which re-enacted the rail exemption provision as Section 10502 H.R. Rep. No. 422, 104th Cong. 1st Sess. 168-69 (1995)

A. The Application of 49 U.S.C. §10903 Is Not Necessary to Carry Out the Rail Transportation Policy

Detailed scrutiny of this transaction is not necessary to carry out the Rail Transportation Policy ("RTP") of 49 U S C. §10101. The requested exemptions would minimize the unnecessary expense associated with the joint preparation and filing of a formal abandonment and discontinuance of service application, expedite regulatory decisions, and reduce regulatory barriers to exit. 49 U.S C. §10101 (2, 7, and 15). Since local traffic on the Line ceased last year, and there is no overhead traffic, the abandonment and discontinuance of service authority that CSXT and NSR hereby request will result in no loss of rail service. There is no traffic on the Line to cover the costs of maintenance

Granting the requested exemptions, therefore, foster sound economic conditions and encourages efficient management by permitting the rationalization of an unnecessary rail line. 49 U S.C. §10101 (3), (5) and (9). "An exemption would also foster sound economic conditions and encourage efficient management by relieving [the railroad] of the out-of-pocket expenses .. associated with retaining the underutilized line [49 U.S.C. 10101(5) and (9)]."¹

¹ *Georgia Southwestern Railroad, Inc.—Abandonment and Discontinuance Exemption—in Harris and Meriwether Counties, GA*, STB Docket No. AB-1000 (Sub-No. 1X) (STB served December 10, 2007) at 3.

Other aspects of the RTP are not adversely affected. For example, competition and the continuation of a sound rail transportation system are not affected since the public will not be deprived of any needed rail services.

B. This Transaction Is Of Limited Scope

The proposed transaction is of limited scope, involving a currently unused rail line that is only 1.55 miles in length.

C. This Transaction Will Not Result In An Abuse Of Market Power.

CSXT and NSR will abandon and discontinue service over the Line. There are no active shippers on the Line, and no overhead traffic makes use of the Line. The most recent shipper on the Line, Lehigh, has relocated and receives transportation service at its new location.

ENVIRONMENTAL REPORT

An Environmental Report is in Exhibit B.

HISTORIC REPORT

A Historic Report is in Exhibit C

FEDERAL REGISTER NOTICE

A draft Federal Register notice is attached hereto as Exhibit D

LABOR PROTECTION

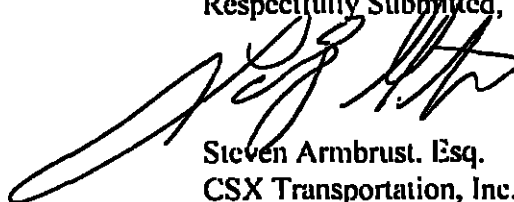
The interests of railroad employees of CSXT and NSR who may be adversely affected by the proposed abandonment and discontinuance of service will be adequately protected by the labor protective conditions in *Oregon Short Line R Co.--Abandonment--Goshen*, 360 I C C 91 (1979)

CONCLUSION

Application of the regulatory requirements and procedures of 49 U.S.C. §10903 to the abandonment and discontinuance of service over the Line proposed by CSXT and NSR is not required to carry out the RTP as set forth in 49 U.S.C. §10101, as previously shown. Nor is Board regulation required to protect shippers from the abuse of market power. Moreover, this abandonment and discontinuance of service is of limited scope.

Accordingly, CSXT and NSR respectfully urge the Board to grant each an exemption for the proposed abandonment and discontinuance of service over the Line.

Respectfully Submitted,



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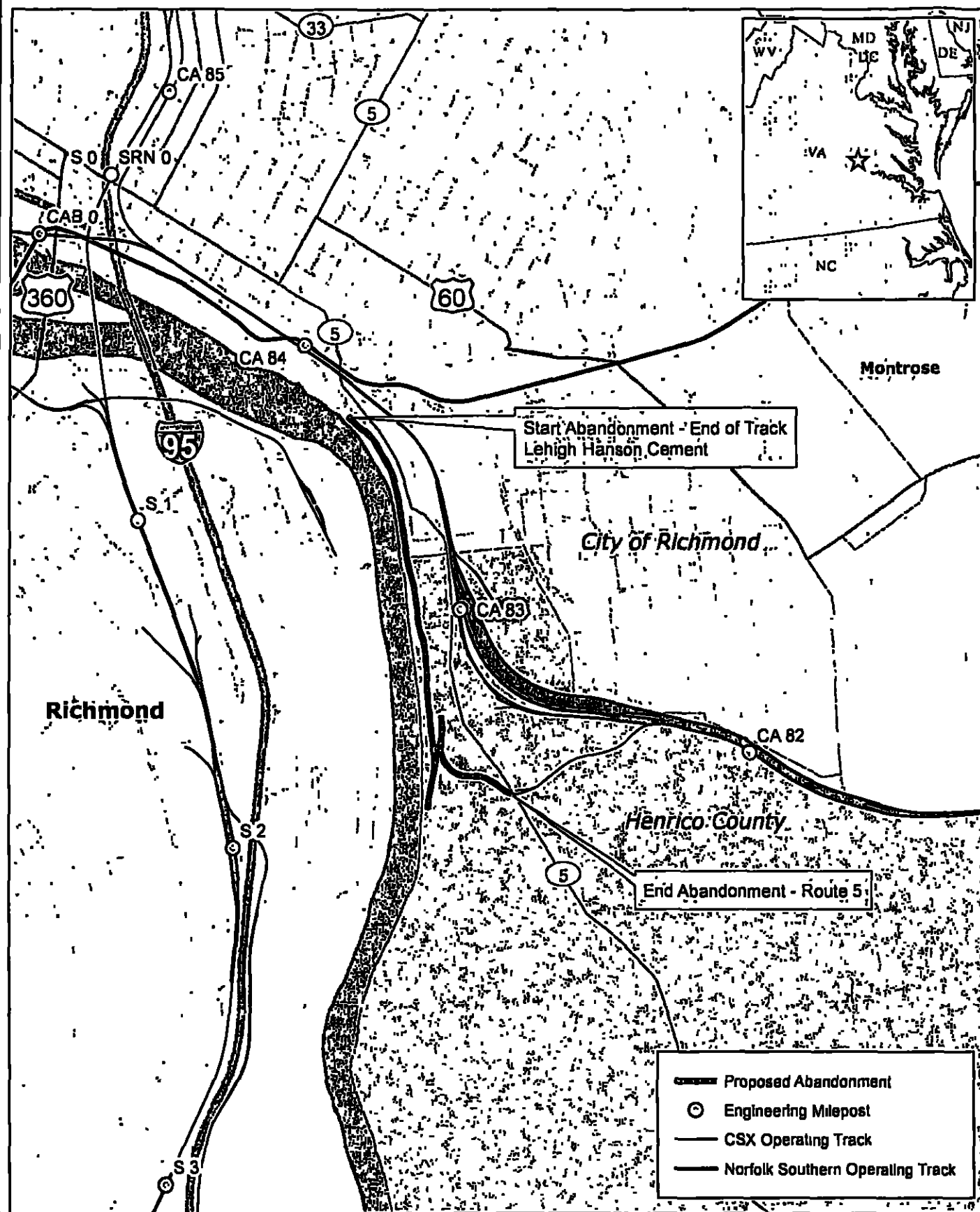
Attorney for: NORFOLK SOUTHERN
RAILWAY COMPANY

Louis E. Gitomer, Esq.
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Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: February 21, 2013

EXHIBIT A-MAP



CSX Properties Group, Inc.

**CSX Transportation & Norfolk Southern Railway Company
Proposed Abandonment & Discontinuance of Service
City of Richmond, VA**

Total Distance of Approx. 1.55 Miles
STB Docket No. AB 55 (Sub-No. 726X) CSX Transportation
STB Docket No. AB 280 (Sub-No. 303X) Norfolk Southern Railway

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Feet



EXHIBIT B—ENVIRONMENTAL REPORT

CERTIFICATE OF SERVICE OF ENVIRONMENTAL REPORT

Pursuant to the requirements of 49 C.F.R. §1105.7(c) and 11, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-55 (Sub-No 726X) and AB-290 (Sub-No 303X) was mailed via first class mail on December 19, 2012, to the following parties:

U.S. Department of Agriculture
Richmond Central Office
2801 Kensington Avenue
Richmond, VA 23221

U.S. Department of Agriculture
Natural Resources Conservation Service
1606 Santa Rosa Road, Suite 209
Richmond, VA 23229-5014

U.S. Army Corps of Engineers
Norfolk District
Waterfield Building
803 Front Street
Norfolk, VA 23510-1096

U.S. Fish and Wildlife Service
Northeast Regional Office
300 Westgate Center Drive
Hadley, MA 01035-9587

U.S. Environmental Protection Agency
Region 3
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

National Park Service
National Capital Regional Office
1100 Ohio Drive, S.W.
Washington, D.C. 20242

National Geodetic Service (NOAA) at 'NGS.InfoCenter@noaa.gov' (via email)

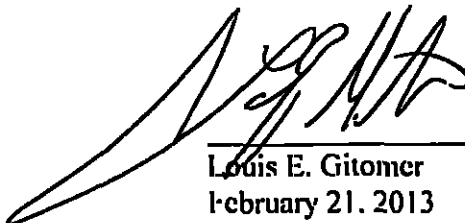
Office of the Governor
Patrick Henry Building, 3rd Floor
1111 East Broad Street
Richmond, VA 23219

Virginia Department of Transportation
Mr. Kevin Reichert, PE
1401 East Broad Street
Richmond, VA 23219

Virginia Department of Environmental Quality
Central Office
629 East Main Street
P.O. Box 1105
Richmond, VA 23218

City of Richmond
Department of Public Works - CIP
Mr. Lamont Benjamin, PE
900 Broad Street, Room 603
Richmond, VA 23219

Henrico County Virginia
County Manager's Office
P.O. Box 90775
Henrico, VA 23273-0775



Louis E. Gitomer
February 21, 2013

ENVIRONMENTAL REPORT

**CSX TRANSPORTATION, INC.
Norfolk Southern Railway Company
City of Richmond, County of Henrico, Virginia
Docket AB-55 (Sub-No. 726X)
Docket AB- 290 (Sub-No. 303X)**

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

(1) PROPOSED ACTION AND ALTERNATIVES

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

CSX Transportation, Inc (CSXT) is considering to file with the Surface Transportation Board (STB) a Petition of Exemption and Norfolk Southern Corporation (NS) is proposing to file for a Discontinuance of Service seeking authority to abandon service in CSXT's Southern Region, Huntington Division, Peninsula Subdivision near Railroad Milepost CA 82 3, also known as the James River Industrial Track from State Road 5 to the end of track at Lehigh Hanson Cement. The distance is approximately 1.55 miles in the City of Richmond and Henrico County, Virginia as depicted on the attached map.

This rail line segment was jointly served and maintained by CSXT and NS. The only customer, Lehigh Hanson Cement has agreed to relocate at the request of the city, so that the City of Richmond and Henrico County, Virginia can continue the Virginia Capital Trail. NS has agreed to join CSXT in a STB filing for abandonment and discontinuance of service of our common carrier obligations. The purpose of the proposed action is to abandon, discontinue service, salvage the track and improvements and the property to be used for non-motorized transportation as the Richmond Riverfront Phase of the Virginia Capital Trail.

A map which delineates the proposed project and the letter of concurrence from Lehigh Hanson Cement are attached. (See Attachments 1 and 2)

Further attached is a distribution list of all parties who have received a copy of this report. (See Attachment 3)

(2) TRANSPORTATION SYSTEM

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

During the past several years the principal commodity shipped to this location has been cement. There will be a temporary impact on existing regional or local transportation systems or patterns. Traffic destined for this line can be trans-loaded to truck until the new Lehigh Hanson Cement plant in Chesterfield County Virginia is up and operational in 2015. The current traffic is being shipped from Union Bridge Maryland by truck approximately 163 miles. Based on their current volumes, there will be ten (10) to (11) shipments per week.

(3) LAND USE

- (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

Applicant received a response dated December 11, 2012 from Commonwealth of Virginia Department of Transportation stating *"The Virginia Department of Transportation (VDOT) concurs with the proposed action to abandon and discontinue service of the James River Industrial Track"* (See Attachment 4)

Applicant received a response dated December 13, 2012 from City of Richmond stating *"This proposed action is consistent with the City's Riverfront Master Plan"* (See Attachment 5)

- (ii) Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

Applicant received a response dated December 11, 2012 from USDA-

NRCS stating *"there is no effect on prime farmland as a result of the proposed actions"* (See Attachment 6)

- (iii) **If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.**

Applicant has not received a response to its December 6, 2012 inquiry to the Virginia Department of Environmental Quality Central Office in Richmond, VA requesting information regarding this statement (See Attachment 7)

Applicant feels that the simple removal of track material should not have an adverse impact on any coastal zone, land or water uses

- (iv) **If the proposed action is abandonment, state whether or not the right of way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.**

The properties proposed to be abandoned may be suitable for other public purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

(4) ENERGY

- (i) **Describe the effect of the proposed action on transportation of energy resources.**

The proposed action will have no effect on the movement and/or recovery of energy resources.

- (ii) **Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

- (iii) **State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (iv) **If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the**

resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

The diversion will not meet the requirements of (A) or (B).

(5) AIR

- (i) If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The above thresholds will not be exceeded

- (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of at least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

The above thresholds will not be exceeded

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity, the frequency of service; safety practices (including any speed restriction); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more, or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and

quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

(7) SAFETY

- (i) **Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).**

Applicant believes that the abandonment will result in improvement to public safety by the elimination of 2 public, at-grade road crossings and 1 private, at-grade road crossings.

- (ii) **If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.**

Not applicable.

- (iii) **If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right of way, identify the location of those sites and the types of hazardous materials involved.**

Applicant's records do not indicate any known hazardous material spills or hazardous waste sites

(8) BIOLOGICAL RESOURCES

- (i) **Based on consultation with the U. S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describes the effects.**

Applicant has not received a response to its December 6, 2012 inquiry to the U.S. Fish and Wildlife Service in Hadley, MA requesting information regarding this statement (See Attachment 8)

Based upon Applicant's intention to abandon, discontinue service and salvage the track and improvements we do not believe that any federally endangered or threatened species will be negatively affected or critical habitats modified if the line is abandoned.

- (ii) **State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.**

Based upon Applicant's review of the area, the line is not within any wildlife sanctuaries or refuges, National or State parks or forests.

(9) WATER

- (i) **Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.**

Applicant has not received a response to its December 6, 2012 inquiry to the Virginia Department of Environmental Quality in Richmond, Virginia requesting information regarding this statement. (See Attachment 7)

Applicant does not contemplate any action known to be inconsistent with federal, state and/or local water quality standards. Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies.

- (ii) **Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

Applicant has not received a response to its December 6, 2012 inquiry to the U.S. Army Corps of Engineers in Norfolk District, Norfolk, Virginia requesting information regarding this statement. (See Attachment 9)

Upon receiving abandonment authority, removal of material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. Applicant does not intend to disturb any of the

underlying road-bed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. The cross-ties and/or other debris will be transported away from the rail line and will not be discarded along the right of way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, Applicant does not believe a permit under Section 404 of the Clean Water Act will be required.

- (iii) **State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U. S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).**

Applicant has not received a response to its December 6, 2012 inquiry to the U.S. Region 3 EPA Office in Washington, D.C. requesting information regarding this statement (See Attachment 10).

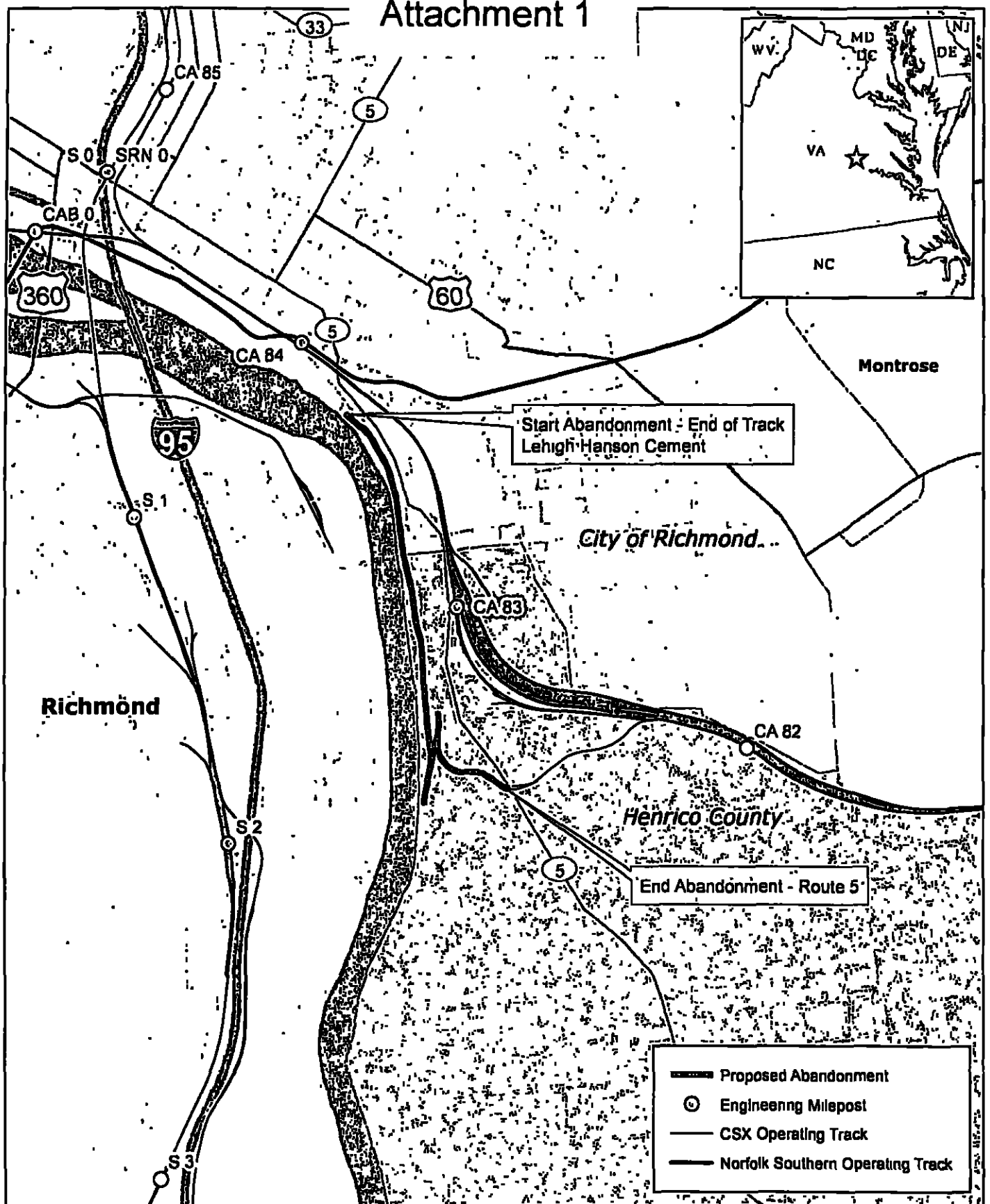
Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

10. MITIGATION

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Applicant does not believe there will be any adverse environmental impacts in the project area as a result of this abandonment. However, Applicant will comply with reasonable State and Federal regulations and obtain any necessary permits required.

Attachment 1



CSX Properties Group, Inc.

CSX Transportation & Norfolk Southern Railway Company Proposed Abandonment & Discontinuance of Service City of Richmond, VA

Total Distance of Approx. 1.55 Miles
STB Docket No. AB 55 (Sub-No. 726X) CSX Transportation
STB Docket No. AB 290 (Sub-No. 303X) Norfolk Southern Railway

0 1,000 2,000
Feet



Attachment 2



Lehigh Cement Company
Lehigh North
3111 Water Street
Richmond, VA 23223
Phone (804) 644-0728
Fax (804) 648-5543

Ms Jo Ann Burroughs
Manager - Network and Joint Facilities
CSX Transportation, Inc
500 Water Street, J200
Jacksonville, FL 32202

Dear Ms Burroughs:

Lehigh Cement Company, LLC ("Lehigh") has been advised that CSX Transportation intends to seek approval from the Surface Transportation Board to abandon a portion of the railroad's operation in Richmond, VA.

Since the proposed abandonment will not have an adverse impact on our Richmond, VA operation, we do not oppose the proposed abandonment.

We understand that you may submit this letter to the Surface Transportation Board as part of the proceedings on the proposed abandonment.

We encourage that the process for abandonment, including the preparation and submission of all necessary applications, be started as soon as possible.

Pursuant to the Lease between the City of Richmond and Lehigh effective August 1, 2012, Lehigh is entitled to use of the railroad to its property until October 31, 2012. Accordingly, we plan to use the rail until October 31, 2012, after which time rail service to Lehigh's property can be terminated.

Sincerely,

Kenneth Hundley
Director of Logistics
Lehigh Cement Company, LLC

cc: Mr. Marc Hoecker
Director of Strategic Planning
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9207

Attachment 3

CSXT Abandonment External Distribution List
City of Richmond
Henrico County, Virginia

Virginia Department of Historic Resources
Richmond Central Office
2801 Kensington Ave
Richmond, VA 23221

Virginia Department of Transportation
Mr Kevin Reichert, PE
1401 E Broad Street
Richmond, VA 23219

U S Department of Agriculture
Natural Resources Conservation Service
1606 Santa Rosa Road
Suite 209
Richmond, VA 23229-5014

U S. EPA
Region 3
Ariel Rios Building
1200 Pennsylvania Ave N W.
Washington, D C 20460

U S Corps of Engineers
Norfolk District
Waterfield Building
803 Front Street
Norfolk, VA 23510-1096

National Park Service
National Capital Regional Office
1100 Ohio Drive SW
Washington, D C. 20242

U S Fish & Wildlife Service
Northeast Regional Office
300 Westgate Center Drive
Hadley, MA 01035-9587

Office of the Governor
Patrick Henry Building, 3rd Floor
1111 East Broad Street
Richmond, VA 23219

National Geodetic Survey
Simon.Monroe@noaa.gov

Henrico County Virginia
County Manager's Office
P.O Box 90775
Henrico VA 23273-0775

City of Richmond
Department of Public Works-CIP
Mr Lamont Benjamin, PE
900 Broad Street, Room 603
Richmond, VA 23219

Virginia Department of Environmental Quality
Central Office
629 East Main Street
P O Box 1105
Richmond, VA 23218

Attachment 4



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219-20

Gregory A. Whirley
Commissioner

December 11, 2012

CSX Transportation, Inc.
Ms. Jo Ann Burroughs
500 Water Street - J-315
Jacksonville, FL 32202

Dear Ms. Burroughs,

The Virginia Department of Transportation (VDOT) concurs with the proposed action to abandon and discontinue service of the James River Industrial Track from State Route 5 to the end of track at Lehigh Hanson Cement. VDOT supports converting the property for use by non-motorized transportation as part of the Virginia Capital Trail.

Please let me know if you have any questions or need any additional information. I can be contacted at (804) 225-3799 or kevin.reichert@vdot.virginia.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Reichert", with a horizontal line extending to the right.

Kevin Reichert, P.E.
Senior Project Delivery Engineer

Attachment 5



CITY OF RICHMOND

DEPARTMENT OF PUBLIC WORKS

December 13, 2012

CSX Transportation
Ms. Jo Ann Burroughs
500 Water Street J-315
Jacksonville, FL 32202

Dear Ms. Burroughs;

Thank you for your letter informing the City of the proposed rail line abandonment filing with the Surface Transportation Board. This proposed action is consistent with the City's Riverfront Master Plan

The City's Riverfront Master Plan includes the development of the Virginia Capital Trail-Richmond Riverfront phase. The Riverfront phase consists of a 1.4 mile long 10-12 foot wide pedestrian/bicycle trail that begins at 17th Street and ends at the Henrico County line. The trail is being developed under 3 segments. Segment 1 begins at 17th Street and terminates at the Great Shiplock Park; Segment 2 begins at Great Shiplock Park and terminates at the Lehigh Cement property, Segment 3 begins at the Lehigh Cement property and terminates at the Henrico County line. Segment 3 will follow the path of the abandoned rail line along the river.

The Richmond Riverfront phase will link the City of Richmond and Henrico County to help complete the final phases of this State initiated project that will consist of a 55-mile long pedestrian and bicycle facility.

Again thank you for coordinating this effort to help the City complete this process. If you have any questions, please give me a call or email me

Sincerely,

A handwritten signature in black ink, appearing to read "L. Benjamin", is written over a horizontal line.

Lamont L. Benjamin, PE
Capital Projects Administrator

Cc: M S. Khara, PE -DPW
James Jackson- DPW
Mark Olinger- PDR
Jane Ferrara- ECD

Attachment 6

Burroughs, Joann

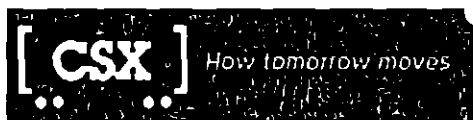
From: Hammer, Greg - NRCS, Chesapeake, VA <Greg.Hammer@va.usda.gov>
Sent: Tuesday, December 11, 2012 7:56 AM
To: Burroughs, Joann
Cc: Kriz, David - NRCS, Richmond, VA
Subject: Prime Farmland -
Attachments: CSX_Richmond_Henrico.pdf

In regards to the attachment - there is no effect on prime farmland as a result of the proposed actions.

Greg Hammer
Soil Scientist
USDA-NRCS
Chesapeake Service Center
310 Shea Drive
Chesapeake Va. 23322
Office (757) 547-7172 x3
Cell. (804) 683-4189

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Attachment 7



Jo Ann Burroughs
Manager Network Services

500 Water Street - J-315
Jacksonville, FL 32202
Phone: (904) 358-1247
E-Mail: Jo_Burroughs@csx.com

December 6, 2012

Virginia Department of Environmental Quality
Central Office
629 East Main Street
P O. Box 1105
Richmond, VA 23218

Dear Sir/Madam

Please be advised that CSX Transportation, Inc (CSXT) is proposing to file with the Surface Transportation Board (STB) a Petition of Exemption and Norfolk Southern Corporation (NS) is proposing a Discontinuance of Service seeking authority to abandon service in the Southern Region, Huntington Division, Peninsula Subdivision near Railroad Milepost CA 82 3, also known as the James River Industrial Track from State Road 5 to the end of track at Lehigh Hanson Cement. The distance is approximately 1.55 miles in the City of Richmond and Henrico County, Virginia as depicted on the attached map. STB Docket numbers AB 55 (Sub-No. 726X) and AB 290 (Sub-No. 303X).

The approximate 1.55 mile line segment was jointly served and maintained by CSXT and NS. The only customer, Lehigh Hanson Cement has agreed to re-locate at the request of the city, so that the City of Richmond and Henrico County, Virginia can continue the Virginia Capital Trail. NS has agreed to join CSXT in a STB filing for abandonment and discontinuance of service of our common carrier obligations. The purpose of the proposed action is to abandon, discontinue service, salvage the track and improvements and convert the property for use by non-motorized transportation as the Richmond Riverfront Phase of the Virginia Capital Trail.



Jo Ann Burroughs
Manager Network Services

500 Water Street - J-315
Jacksonville, FL 32202
Phone (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (ii) require that CSXT develop a response to the following statements

(i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."

(iii) "State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

Enclosed is a distribution list of all parties that have been copied on the proposed action. If you have any questions, please feel free to call or email me.

Sincerely,

Jo Ann Burroughs

Enclosures (2)



Jo Ann Burroughs
Manager Network Services

Attachment 8

500 Water Street -- J-315
Jacksonville, FL 32202
Phone (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

December 6, 2012

U.S. Fish & Wildlife Service
Northeast Regional Office
300 Westgate Center Drive
Hadley, MA 01035-9587

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc (CSXT) is proposing to file with the Surface Transportation Board (STB) a Petition of Exemption and Norfolk Southern Corporation (NS) is proposing a Discontinuance of Service seeking authority to abandon service in the Southern Region, Huntington Division, Peninsula Subdivision near Railroad Milepost CA 82.3, also known as the James River Industrial Track from State Road 5 to the end of track at Lehigh Hanson Cement. The distance is approximately 1.55 miles in the City of Richmond and Henrico County, Virginia as depicted on the attached map. STB Docket numbers AB 55 (Sub-No 726X) and AB 290 (Sub-No. 303X).

The approximate 1.55 mile line segment was jointly served and maintained by CSXT and NS. The only customer, Lehigh Hanson Cement has agreed to re-locate at the request of the city, so that the City of Richmond and Henrico County, Virginia can continue the Virginia Capital Trail. NS has agreed to join CSXT in a STB filing for abandonment and discontinuance of service of our common carrier obligations. The purpose of the proposed action is to abandon, discontinue service, salvage the track and improvements and convert the property for use by non-motorized transportation as the Richmond Riverfront Phase of the Virginia Capital Trail.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) require that CSXT develop responses to the following statements



500 Water Street - J-315
Jacksonville, FL 32202
Phone (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

(i) *Based on consultation with the U S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*

(ii) *State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.*

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests

Enclosed is a distribution list of all parties that have been copied on the proposed action. If you have any questions, please feel free to call or email me.

Sincerely,

Jo Ann Burroughs
Enclosures (2)

Attachment 9



Jo Ann Burroughs
Manager Network Services

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

December 6, 2012

U S Corps of Engineers

Norfolk District

Waterfield Building

803 Front Street

Norfolk, VA 23510-1096

Dear Sir/Madam.

Please be advised that CSX Transportation, Inc. (CSXT) is proposing to file with the Surface Transportation Board (STB) a Petition of Exemption and Norfolk Southern Corporation (NS) is proposing a Discontinuance of Service seeking authority to abandon service in the Southern Region, Huntington Division, Peninsula Subdivision near Railroad Milepost CA 82.3, also known as the James River Industrial Track from State Road 5 to the end of track at Lehigh Hanson Cement. The distance is approximately 1.55 miles in the City of Richmond and Henrico County, Virginia as depicted on the attached map STB Docket numbers AB 55 (Sub-No. 726X) and AB 290 (Sub-No 303X).

The approximate 1.55 mile line segment was jointly served and maintained by CSXT and NS. The only customer, Lehigh Hanson Cement has agreed to re-locate at the request of the city, so that the City of Richmond and Henrico County, Virginia can continue the Virginia Capital Trail. NS has agreed to join CSXT in a STB filing for abandonment and discontinuance of service of our common carrier obligations. The purpose of the proposed action is to abandon, discontinue service, salvage the track and improvements and convert the property for use by non-motorized transportation as the Richmond Riverfront Phase of the Virginia Capital Trail.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(9)(ii) require that CSXT develop responses to the following statement.



Jo Ann Burroughs
Manager Network Services

500 Water Street - J-315
Jacksonville, FL 32202
Phone: (904) 369-1247
E-Mail: Jo_Burroughs@csx.com

"Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U S C 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects "

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

Enclosed is a distribution list of all parties that have been copied on the proposed action. If you have any questions, please feel free to call or email me.

Sincerely,

Jo Ann Burroughs

Enclosures (2)

Attachment 10 :



Jo Ann Burroughs
Manager Network Services

500 Water Street - J-315
Jacksonville, FL 32202
Phone (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

December 6, 2012

U.S EPA
Region 3
Anel Rios Building
1200 Pennsylvania Ave N W
Washington, D C 20460

Dear Sir/Madam

Please be advised that CSX Transportation, Inc. (CSXT) is proposing to file with the Surface Transportation Board (STB) a Petition of Exemption and Norfolk Southern Corporation (NS) is proposing a Discontinuance of Service seeking authority to abandon service in the Southern Region, Huntington Division, Peninsula Subdivision near Railroad Milepost CA 82.3, also known as the James River Industrial Track from State Road 5 to the end of track at Lehigh Hanson Cement. The distance is approximately 1.55 miles in the City of Richmond and Henrico County, Virginia as depicted on the attached map. STB Docket numbers AB 55 (Sub-No 726X) and AB 290 (Sub-No 303X).

The approximate 1.55 mile line segment was jointly served and maintained by CSXT and NS. The only customer, Lehigh Hanson Cement has agreed to re-locate at the request of the city, so that the City of Richmond and Henrico County, Virginia can continue the Virginia Capital Trail. NS has agreed to join CSXT in a STB filing for abandonment and discontinuance of service of our common carrier obligations. The purpose of the proposed action is to abandon, discontinue service, salvage the track and improvements and convert the property for use by non-motorized transportation as the Richmond Riverfront Phase of the Virginia Capital Trail.



Jo Ann Burroughs
Manager Network Services

500 Water Street - J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R 1105.7 (9) (i) and (iii) require that CSXT develop a response to the following statements:

(i) *"Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards Describe any inconsistencies."*

(iii) *"State whether permits under Section 402 of the Clean Water Act 33 U.S.C 1342 are required for the proposed action "*

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

Enclosed is a distribution list of all parties that have been copied on the proposed action. If you have any questions, please feel free to call or email me.

Sincerely,

Jo Ann Burroughs

Enclosures (2)

Burroughs, Joann

From: Gazzera, Silvia B NAO <Silvia B Gazzera@usace.army.mil>
Sent: Friday, December 28, 2012 1 15 PM
To: Burroughs, Joann
Subject: Virginia Capial Trail, Richmond Riverfront Phase (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Good Afternoon,

The Corps of Engineers has received your request of December 6, 2012, regarding the above referenced project in the City of Richmond and in Henrico County, Virginia.

Abandonment of the trail will not require authorization from the Corps. We would need to have more details regarding the salvaging of the track and conversion to a trail to make a determination about permit requirements as wetlands may occur adjacent to the track.

Could you please provide a description of how the work is going to be accomplished?

Thank you and feel free to contact me with any questions.

Sincerely,

Silvia B. Gazzera, Ph.D
Environmental Scientist
U.S. Army Corps of Engineers
9100 Arboretum Parkway, Suite 235
Richmond Virginia 23236
(804) 212-6817 (cell)
<http://www.nao.usace.army.mil/>

The Norfolk District is committed to providing the highest level of support to the public. In order for us to better serve you, we would appreciate you completing our Customer Satisfaction Survey located at <http://per2.nwp.usace.army.mil/survey.html>. We value your comments and appreciate your taking the time to complete the survey.

Please consider the environment before printing this e-mail

Classification: UNCLASSIFIED
Caveats: NONE



Jo Ann Burroughs
Manager Network Services

600 Water Street - J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

CSXT Environmental Report Response Form

CSXT STB Docket Number AB 55 (Sub-No 726X)

NS STB Docket Number AB 290 (Sub-No. 303X)

Petition for Exemption in CSXT's Southern Region, Huntington Division, Peninsula Subdivision near Railroad Milepost CA 82.3, also known as the James River Industrial Track from State Road 5 to the end of track at Lehigh Hanson Cement. The distance is approximately 1.55 miles in the City of Richmond and Henrico County, Virginia.

Agency response (check one):

☒ No Environmental Impact

☐ Environmental Impact as follows (or attached):

Date

January 9, 2013

Signature:

Steven J. Yob

Name:

STEVEN J. YOB

Title:

DIRECTOR of PUBLIC WORKS
COUNTY OF HENRICO



Jo Ann Burroughs
Manager Network Services

600 Water Street - J-316
Jacksonville, FL 32202
Phone: (904) 369-1247
E-Mail: Jo_Burroughs@csx.com

CSXT Environmental Report Response Form

CSXT STB Docket Number AB 55 (Sub-No 726X)

NS STB Docket Number AB 290 (Sub-No. 303X)

Petition for Exemption in CSXT's Southern Region, Huntington Division, Peninsula Subdivision near Railroad Milepost CA 82.3, also known as the James River Industrial Track from State Road 5 to the end of track at Lehigh Hanson Cement. The distance is approximately 1.55 miles in the City of Richmond and Henrico County, Virginia

Agency response (check one):

☒ No Environmental Impact

____ Environmental Impact as follows (or attached):

Date:

Jun. 2, 2012

Signature:

[Signature]

Name:

Leo + Leo Benjamin

Title:

Capital Projects Director

Burroughs, Joann

From: Burroughs, Joann
Sent: Tuesday, December 18, 2012 11 10 AM
To: 'Simon Monroe'
Cc: St Dennis, Kearston Comegys (kearston.comegys@nscorp.com)
Subject: RE NGS Response and notification of removal STB Docket AB-55 (SUB NO. 726X) & AB-290 (SUB NO. 303X)

Simon, thank you for the prompt response. The traffic on this line segment was terminated on October 31, 2012. Please consider this our 90 day notice to salvage track and materials and to remove the three (3) geodetic survey markers.

Please let us know if you need additional information.

Jo Ann Burroughs
Manager Network Services
CSX Transportation
904-359-1247

-----Original Message-----

From: Simon Monroe [<mailto:simon.monroe@noaa.gov>]
Sent: Tuesday, December 18, 2012 10:18 AM
To: Burroughs, Joann; Surface Transportation Board; Gilbert Mitchell; [John.Aaron@vdot.virginia](mailto:John.Aaron@vdot.virginia.gov); Simon Monroe
Subject: NGS Response, STB Docket AB-55 (SUB NO. 726X) & AB-290 (SUB NO. 303X)

Thank you for sharing your railroad abandonment environmental report for

RICHMOND, Henrico County, VIRGINIA.

Approximately 03 geodetic survey marks may be located in the area described.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall

consult with the National Geodetic Survey (NGS) at least 90 days prior to

beginning salvage activities that will disturb, or destroy any geodetic station

marks are described on the attached file. Additional advice is provided at

<http://geodesy.noaa.gov/marks/railroads/>

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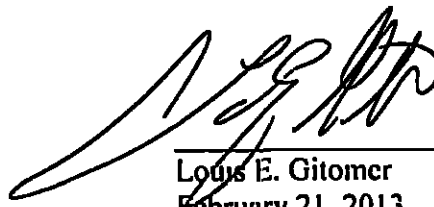
|....|AA4270|. 3|29/RESET. |N373114... .|W0772450.... .|B...|N|T 263
RESET

EXHIBIT C—HISTORIC REPORT

CERTIFICATE OF SERVICE OF HISTORIC REPORT

Pursuant to the requirements of 49 C.F.R. §1105.8(c) and 11, the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-55 (Sub-No. 726X) and Docket No. AB-290 (Sub-No. 303X) was mailed via first class mail on December 6, 2012, to the following party:

Virginia Department of Historic Resources
Richmond Central Office
2801 Kensington Avenue
Richmond, VA 23221



Louis E. Gitomer
February 21, 2013

HISTORIC REPORT

**CSX TRANSPORTATION, INC.
NORFOLK SOUTHERN RAILWAY COMPANY
Richmond, Henrico County, Virginia
Docket AB-55 (SUB-NO. 726X)
Docket AB-290 (Sub-No. 303X)**

1105.7(e)(1)

PROPOSED ACTION AND ALTERNATIVES. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable detailed map and drawings clearly delineating the project.

CSX Transportation (CSXT) proposes to abandon, and Norfolk Southern Railway (NS) proposes to discontinue service for approximately 1.55 miles of its rail line near Railroad Milepost CA 82.3, beginning at State Road 5 to the end of track at Lehigh Hanson Cement Company. This line is also known as the James River Industrial Track in Richmond, Henrico County, Virginia.

The approximate 1.55 mile line segment was jointly served and maintained by CSXT and NS pursuant to a Joint Facility agreement. The only customer, Lehigh Hanson Cement has agreed to relocate at the request of the city, so that the City of Richmond and Henrico County, Virginia can continue the Virginia Capital Trail. NS has agreed to join CSXT in a STB filing for abandonment and discontinuance of service respectively of our common carrier obligations. The purpose of the proposed action is to abandon, discontinue service, salvage the track and improvements, and convert the property for use by non-motorized transportation as the Richmond Riverfront Phase of the Virginia Capital Trail.

Pursuant to the Lease between the City of Richmond and Lehigh effective August 1, 2012, Lehigh was entitled to use of the railroad to its property until October 31, 2012. Rail service to Lehigh Hanson Cement terminated October 31, 2012. Documentation

supporting this arrangement is attached. A map which delineates the proposed project is attached (See Attachments 1, 2 and 3)

1105.8(d)

- (1) **A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.**

Attached are copies of the Richmond quadrangle topographic map prepared by the U. S. Department of Interior Geological Survey prepared by the U. S. Department of Interior Geological Survey

The line to be abandoned has been identified by a heavy red line with black dashes. (See Attachment 4)

There are no CSXT-owned structures that are 50 years old or older that may be eligible for listing in the National Register that are part of the proposed action.

- (2) **A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:**

The right of way width varies along this right of way and is approximately thirteen (13) to seventeen (17) feet from the centerline of track

The rail line runs parallel to the James River in the City of Richmond, County of Henrico, Virginia. The line runs through a primarily urban and industrial area. (See Attachment 5)

- (3) **Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:**

There are no structures on the property that are over 50 years old.

- (4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known:**

The line has been modified as necessary throughout its existence to maintain safe railroad operation and perform routine maintenance

- (5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:**

By an Agreement made the 1st day of March, 1923, the Chesapeake and Ohio Railway Company and Southern Railway Company operated jointly the James River Industrial Tracks and shared the maintenance costs to serve the industries located on the attached map (See attachments 6 and 7). In 1982 Norfolk Western and Southern Railway merged to create Norfolk Southern Corporation. In 1990 the Southern Railway was renamed the Norfolk Southern Railway.

On November 1, 1980, Seaboard Coast Line Industries Inc and Chessie System Inc. merged and became CSX Corporation. On April 30, 1987, the Baltimore & Ohio Railroad Company was merged into the Chesapeake and Ohio Railway Company. The Chesapeake and Ohio Railway Company was merged into CSX Transportation on September 2, 1987.

Upon receiving abandonment authority, Applicant's operations and maintenance over this line will cease

- (6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:**

Not applicable

- (7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):**

A review of our records indicates there are no (0) CSXT-owned structures over 50 years old on this line segment that may be eligible for listing in the National Register

We do not know of any archeological resources or any other previously unknown historic properties in the project area.

- (8) **A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.**

Our records do indicate that this area was located in the James River Flood plain. The track was 100% re-built after the "Election Day" flood of October 31 through November 6, 1985. The James River flooded several blocks of downtown Richmond. Days later, Congress approved funding for construction of a flood wall to protect the city.

The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records also indicate there is an active environmental Right of Entry Agreement (CSX041862) with IMTT Richmond. The agreement covers three (3) groundwater monitoring wells installed along the James River. IMTT is under an annual contract Agreement with CSXT and should be conveyed and or assigned to the city upon abandonment authority

CSXT's and NS's internal Environmental Hazardous Material Manager has reviewed our database and has found no incidents of hazardous material or petroleum product release along this line segment

Attachment 1



Lehigh Cement Company

Lehigh North
3111 Water Street
Richmond, VA 23223
Phone (804) 649 0728
Fax (804) 648 5543

August 10, 2012

Ms. Jo Ann Burroughs
Manager Network Services
CSX Transportation, Inc
500 Water Street, J200
Jacksonville, FL 32202

Dear Ms. Burroughs,


Lehigh Cement Company, LLC ("Lehigh") has been advised that CSX Transportation intends to seek approval from the Surface Transportation Board to abandon a portion of the railroad's operation in Richmond, VA.

Since the proposed abandonment will not have an adverse impact on our Richmond, VA operation, we do not oppose the proposed abandonment.

We understand that you may submit this letter to the Surface Transportation Board as part of the proceedings on the proposed abandonment.

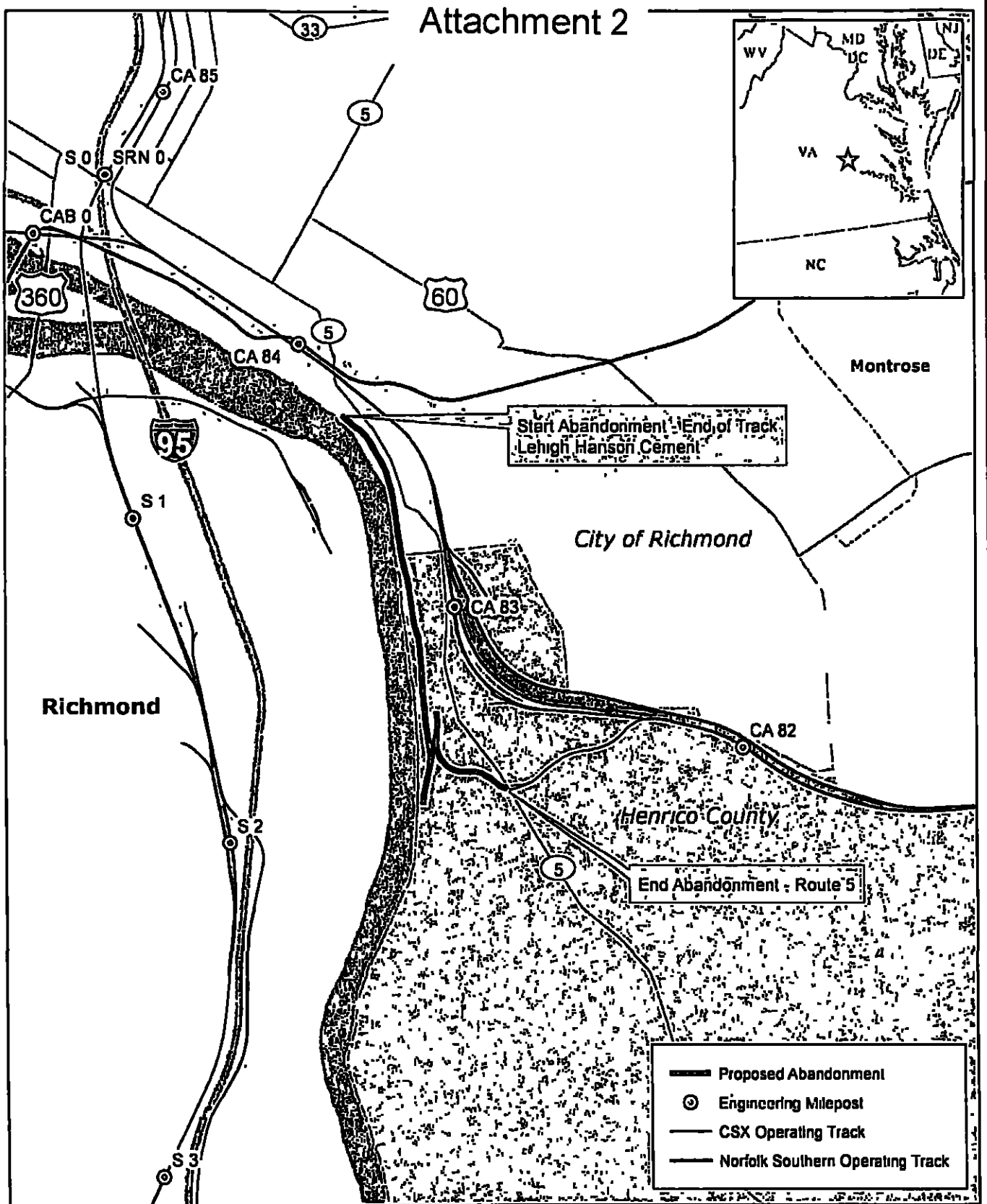
We encourage that the process for abandonment, including the preparation and submission of all necessary applications, be started as soon as possible.

Sincerely,


Kenneth Hundley
Director of Logistics
Lehigh Cement Company, LLC

cc: Mr. Marc Hoecker
Director of Strategic Planning
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9207

Attachment 2



CSX Properties Group, Inc.

CSX Transportation & Norfolk Southern Railway Company Proposed Abandonment & Discontinuance of Service City of Richmond, VA

Total Distance of Approx. 1.55 Miles
STB Docket No. AB 55 (Sub-No. 726X) CSX Transportation
STB Docket No. AB 290 (Sub-No. 303X) Norfolk Southern Railway

0 1,000 2,000
Feet



Attachment 3



C I
DEPT

4 0 N 1
V RKS

December 13, 2012

CSX Transportation
Ms. Jo Ann Burroughs
500 Water Street J-315
Jacksonville, FL 32202

Dear Ms. Burroughs;

Thank you for your letter informing the City of the proposed rail line abandonment filing with the Surface Transportation Board. This proposed action is consistent with the City's Riverfront Master Plan.

The City's Riverfront Master Plan includes the development of the Virginia Capital Trail-Richmond Riverfront phase. The Riverfront phase consists of a 1.4 mile long 10-12 foot wide pedestrian/bicycle trail that begins at 17th Street and ends at the Henrico County line. The trail is being developed under 3 segments. Segment 1 begins at 17th Street and terminates at the Great Shiplock Park; Segment 2 begins at Great Shiplock Park and terminates at the Lehigh Cement property; Segment 3 begins at the Lehigh Cement property and terminates at the Henrico County line. Segment 3 will follow the path of the abandoned rail line along the river.

The Richmond Riverfront phase will link the City of Richmond and Henrico County to help complete the final phases of this State initiated project that will consist of a 55-mile long pedestrian and bicycle facility.

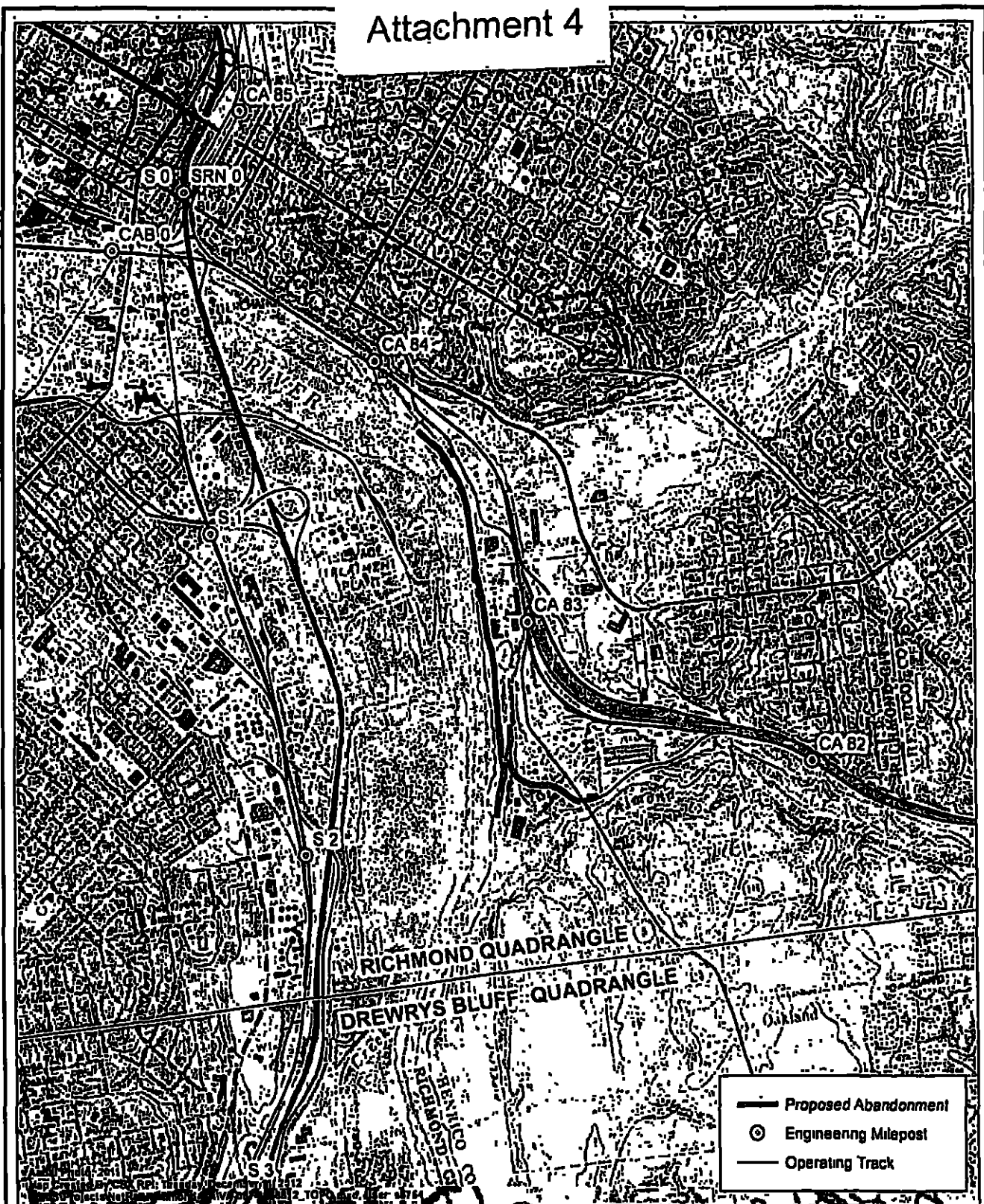
Again thank you for coordinating this effort to help the City complete this process. If you have any questions, please give me a call or email me.

Sincerely,

Lamont L. Benjamin, PE
Capital Projects Administrator

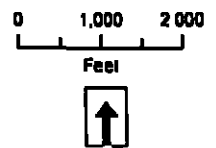
Cc: M.S. Khara, PE -DPW
James Jackson- DPW
Mark Olinger- PDR
Jane Ferrara- ECD

Attachment 4



CSX Properties Group, Inc.

Richmond Abandonment
Site ID: VA-087-1058612
Richmond City (Partly) - Henrico County - VA
Huntington Division - Peninsula Subdivision
Near Milepost CA 83



Attachment 5

JAMES RIVER

RICHMOND VA

STATION MAP

SOUTHERN RAILWAY COMPANY

SOUTHERN RAILWAY COMPANY

49

SOUTHERN RAILWAY COMPANY
MEMPHIS, TENN.
SOUTHERN RAILWAY COMPANY

STATION MAP

How much money did you make?

Product No. **4** **Volume 28-2**
Order No. **1000** **Part Number 1000**

SECRET

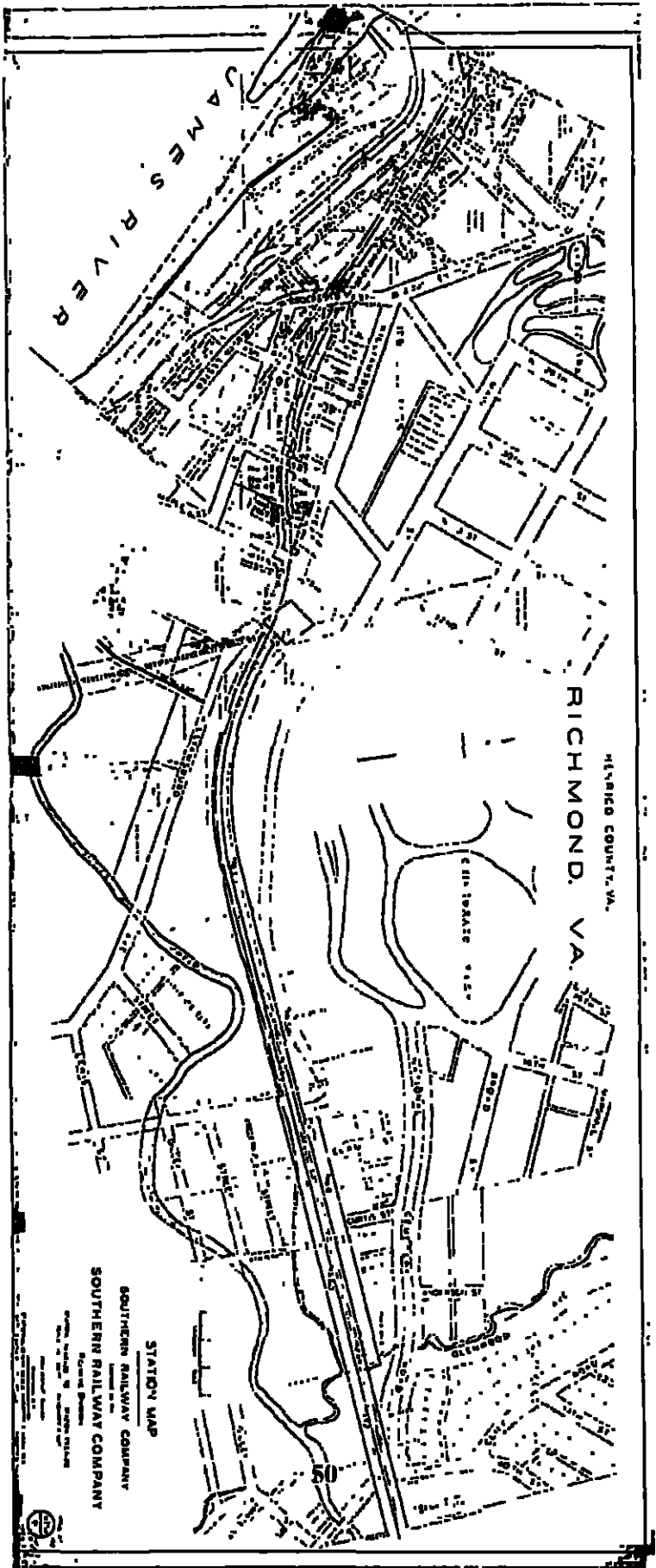
Index

SECRET

1

1

100% Confidential



STATION MAP
SOUTHERN RAILWAY COMPANY
SOUTHERN RAILWAY COMPANY
Richmond, Virginia



Attachment 6

THIS AGREEMENT, made this 1st day of March, 1923, by and between
THE CHESTER AND OHIO RAILWAY COMPANY, party of the first part;

and

SOUTHERN RAILWAY COMPANY, party of the second part:

W I T N E S S E T H

That for and in consideration of the mutual covenants and benefits to be derived from this agreement, the parties hereto do covenant and agree, each with the other, as follows:

1. That the track from Station 57 + 55, to the north line of Delaware Street, shown in red on the blue-print hereto attached and made a part hereof is owned and shall be operated jointly by the parties hereto, and beginning on the date hereof shall be maintained by the Southern Railway Company, the cost of maintenance to be prorated between the parties hereto in proportion to the cars handled by each.
2. That the Southern Railway Company shall have the right to serve the Virginia-Carolina Chemical Company, using the tracks of The Chesapeake and Ohio Railway Company located west of the plant of the Virginia-Carolina Chemical Company and between said plant of the Chemical Company and the river, as shown on the blue-print above referred to in "white", and said Southern Railway Company covenants and agrees to pay for the use of said tracks the sum of ONE DOLLAR (\$1.00) per loaded car placed by or for account of the Southern Railway Company on said tracks; the Southern Railway Company to have the right to use also the lead south of these tracks in serving the said Chemical Company; no payment to be made for empties handled.
3. That the Southern Railway Company shall, also, have the right to use the direct track of The Chesapeake and Ohio Railway Company, extending southwardly from its connection with said joint track at the north side of Delaware Street, thence to the connection of said direct track with the said two storage tracks of the Southern Railway Company, shown in yellow on the aforesaid blue-print; said two storage tracks having been constructed under the agreement between the parties hereto dated April 15, 1912 and belonging to the Southern Railway Company. The ownership of said two tracks (yellow) to

remain in the Southern Railway Company; the Southern Railway Company agreeing to pay The Chesapeake and Ohio Railway Company the sum of ONE DOLLAR and FIFTY CENTS (\$.50) per loaded car handled over the said track of The Chesapeake and Ohio Railway Company to and from said yellow-side tracks; no charge to be made for empties handled. The said charge of One Dollar and Fifty Cents (\$.50) is to include switching as now done by The Chesapeake and Ohio Railway Company, which switching the said The Chesapeake and Ohio Railway Company agrees to continue to do. The party of the first part will at its own cost maintain the said storage tracks in reasonable condition and repair, but in event of failure so to do, no claims for injury or damage shall be made against the party of the first part on account of its failure to keep tracks in condition.

4. That The Chesapeake and Ohio Railway Company will pay the Southern Railway Company ONE DOLLAR (\$1.00) per loaded car (empties to be handled free) taken from and delivered to industrial side tracks which have been or may during the life of this agreement, be installed by the Southern Railway Company along the joint track above referred to, shown in "red" on said blue print. The entire cost of said industrial tracks and the maintenance of the same being borne by the Southern Railway Company.

5. It is distinctly understood, covenanted and agreed that the tracks belonging to The Chesapeake and Ohio Railway Company and not owned jointly covered by this agreement, are only the tracks serving the Virginia-Carolina Chemical Company between that Company's plant and the river and the direct line serving the tracks in yellow, and does not cover or authorize the use by the Southern Railway Company of any other tracks owned individually by The Chesapeake and Ohio Railway Company at Fulton.

6. It is further covenanted and agreed by and between the parties hereto that, so far as responsibility to each other is concerned, The Chesapeake and Ohio Railway Company shall be responsible for all damage to persons or property caused by it in the operation of the tracks covered by this agreement, and for injury to its property and to property in its possession where such damage or injury is caused by its cars, engines or employees, and the Southern Railway Company agrees that it shall be responsible for all damage to persons or property caused by it in the operation of the tracks covered by this

agreement, and for injury to its property and to property in its possession where such damage or injury is caused by its cars, engines or employees, and

AND it is further covenanted and agreed that where any damage to persons or property is caused jointly by the parties hereto or their employees, that such damage or loss shall be borne equally by the parties hereto. Where a damage or injury to persons or property is caused by failure to properly maintain the tracks herein referred to, that Company failing to properly maintain said tracks shall be responsible therefor.

This contract shall be in effect as of the date hereof and shall continue in effect until ninety (90) days notice is given by one party to the other of its intention to cancel the same, and at the end of said ninety (90) days this contract shall be null and void. The Railway Company will pay the Southern

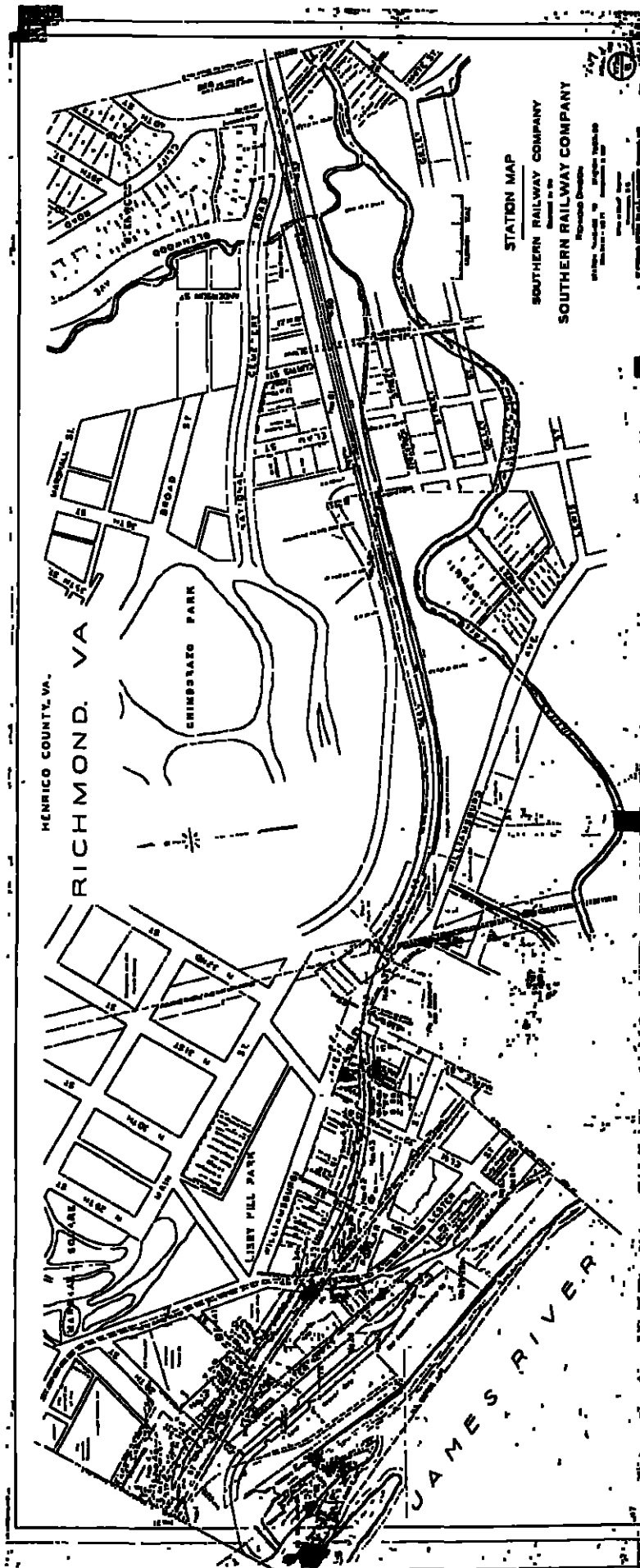
IN WITNESS WHEREOF, The Chesapeake and Ohio Railway Company and the Southern Railway Company have caused these presents to be signed in duplicate, each part being an original, by their respective officers, thereto duly authorized the day and year first above written in and on said like print.

In presence of: THE CHESAPEAKE AND OHIO RAILWAY COMPANY

Charles H. Smith
By *Charles H. Smith*
Vice-President
The Chesapeake and Ohio Railway Company

In presence of: SOUTHERN RAILWAY COMPANY

W. M. Mahood
By *W. M. Mahood*
Vice-President
Southern Railway Company





Jo Ann Burroughs
Manager Network Services

500 Water Street - J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

December 6, 2012

Virginia Department of Historic Resources

Richmond Central Office

2801 Kensington Ave

Richmond, VA 23221

Dear Sir/Madam,

Please be advised that CSX Transportation, Inc. (CSXT) is proposing to file with the Surface Transportation Board (STB) a Petition of Exemption and Norfolk Southern Corporation (NS) is proposing a Discontinuance of Service seeking authority to abandon service in the Southern Region, Huntington Division, Peninsula Subdivision near Railroad Milepost CA 82 3, also known as the James River Industrial Track from State Road 5 to the end of track at Lehigh Hanson Cement. The distance is approximately 1.55 miles in the City of Richmond and Henrico County, Virginia as depicted on the attached map. STB Docket numbers AB 55 (Sub-No. 726X) and AB 290 (Sub-No. 303X).

The approximate 1.55 mile line segment was jointly served and maintained by CSXT and NS. The only customer, Lehigh Hanson Cement has agreed to re-locate at the request of the city, so that the City of Richmond and Henrico County, Virginia can continue the Virginia Capital Trail. NS has agreed to join CSXT in a STB filing for abandonment and discontinuance of service of our common carrier obligations. The purpose of the proposed action is to abandon, discontinue service, salvage the track and improvements and convert the property for use by non-motorized transportation as the Richmond Riverfront Phase of the Virginia Capital Trail.

In connection with rail lines that are to become the subject of applications for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted



Jo Ann Burroughs
Manager Network Services

500 Water Street - J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail Jo_Burroughs@csx.com

to the State Historic Preservation Officer prior to filing with the Surface Transportation Board. In accordance with those Regulations, I am attaching a Historic Report covering the above-proposed abandonment.

We would appreciate receiving a letter from your office confirming that this project will have no impact upon cultural resources.

Enclosed is a distribution list of all parties that have been copied on the proposed action. If you have any questions, please feel free to call or email me

Sincerely,

Jo Ann Burroughs

Enclosures (2)



COMMONWEALTH of VIRGINIA

Douglas W. Domenech
Secretary of Natural Resources

Department of Historic Resources
2801 Kensington Avenue, Richmond, Virginia 23221

Kathleen S. Kilpatrick
Director

Tel (804) 367-2323
Fax: (804) 367-2391
TDD: (804) 367-2386
www.dhr.virginia.gov

January 16, 2013

Ms Jo Ann Burroughs, Manager of Network Services
CSX
500 Water Street - J315
Jacksonville, FL 32202

Re: Railroad Abandonment of James River Industrial Track from SR 5 to Lehigh Hanson Cement
City of Richmond and Henrico County
DHR File No. 2012-1768

Dear Ms Burroughs,

On December 17, 2012, the Virginia Department of Historic Resources (DHR) received information on the above referenced project pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended. We understand that the project will be receiving federal approval from the Surface Transportation Board (STB). Unfortunately, we cannot concur with your determination of effects as do not have enough information to complete a review at this time.

DHR understands that CSX Transportation, Inc and Norfolk Southern Corporation, is proposing to abandon service for 1.55 miles of the James River Industrial Track in the City of Richmond and Henrico County. The rail line runs parallel to the James River. The purpose of the abandonment is to discontinue service, salvage the track and improvements, and convert the property for use by non-motorized transportation as the Richmond Riverfront Phase of the Virginia Capital Trail.

A review of the mapping you provided in conjunction with our Data Sharing System (DSS) indicates that the project is located within and adjacent to multiple historic resources, both architectural and archaeological. Under Section 106, it is the responsibility of the lead federal agency to complete identification of known and unknown historic resources.

Based upon a review of the information provided, we are unable to concur with your determination of effects that no historic properties will be affected by the proposed undertaking. From your application, we understand that the track was completely rebuilt in 1985 after a flood, however, the abandonment of rail and subsequent conversion into a trail, has the potential to cause direct and indirect effects to surrounding properties. Despite the Virginia Capital Trail being a state project, we need a better understanding of how these different project components fit together under the 106 regulations.

Administrative Services
10 Courthouse Ave
Petersburg, VA 23803
Tel: (804) 862-6416
Fax: (804) 862-6196

Capital Region Office
2801 Kensington Ave.
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Tidewater Region Office
14415 Old Courthouse Way
2nd Floor 59
Newport News, VA 23608
Tel: (757) 886-2807
Fax: (757) 886-2808

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
P.O. Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

Page 2
January 16, 2013
DHR File No 2012-1768

Please let me know of the best available time to reach you and we can discuss how best to move forward with this 106 review. I can be reached at (804) 482-6084 or via email, andrea.kampinen@dhr.virginia.gov.

Sincerely,



Andrea Kampinen
Architectural Historian, Office of Review and Compliance

Cc: Lamont Benjamin, City of Richmond
Tyler Potterfield, City of Richmond
Kevin Reichert, VDOT

Administrative Services
10 Courthouse Ave
Petersburg, VA 23803
Tel (804) 862-6416
Fax (804) 862-6196

Capital Region Office
2801 Kensington Ave.
Richmond, VA 23221
Tel (804) 367-2323
Fax (804) 367-2391

Tidewater Region Office
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2nd Floor
Newport News, VA 23608
Tel: (757) 886-2807
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Western Region Office
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Salem, VA 24153
Tel (540) 387-5443
Fax (540) 387-5446

Northern Region Office
5357 Main Street
P O Box 519
Stephens City, VA 22655
Tel (540) 868-7029
Fax (540) 868-7033

EXHIBIT D—FEDERAL REGISTER NOTICE

Docket No. AB-55 (Sub-No. 726X)

**CSX TRANSPORTATION, INC.—ABANDONMENT AND DISCONTINUANCE OF
SERVICE EXEMPTION—IN THE CITY OF RICHMOND AND HENRICO COUNTY, VA**

Docket No. AB-290 (Sub-No. 303X)

**NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT AND
DISCONTINUANCE OF SERVICE EXEMPTION—IN THE CITY OF RICHMOND AND
HENRICO COUNTY, VA**

Notice of Petition for Exemption to Abandon and Discontinue Service

On February 21, 2013 CSX Transportation, Inc. ("CSXT") and Norfolk Southern Railway Company ("NSR") jointly filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment of, and discontinuance of service over, a 1.55-mile railroad line known as the James River Industrial Track, between State Road 5 and the end of the line, which traverses through United States Postal Service ZIP Code 23231 in the City of Richmond and Henrico County, VA (the "Line") There are no mileposts on the Line The Line includes the station of Richmond.

The Line does not contain federally granted rights-of-way Any documentation in the railroads' possession will be made available promptly to those requesting it.

The interest of railroad employees of CSXT and NSR will be protected by *Oregon Short Line R Co —Abandonment—Goshen*, 360 I.C.C. 91 (1979).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

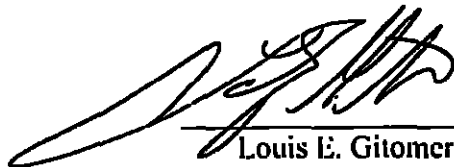
Persons seeking further information concerning abandonment and discontinuance of service procedures may contact the Surface Transportation Board or refer to the full

discontinuance regulations at 49 CFR Part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis ("OEA"). An environmental assessment ("EA") (or environmental impact statement ("EIS"), if necessary) prepared by OEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact OEA. EAs in this abandonment and discontinuance of service proceeding normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

EXHIBIT E-NEWSPAPER CERTIFICATION

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment and discontinuance of service in Docket No. AB-55 (Sub-No. 726X) and Docket No. 290 (Sub-No 303X), as required by 49 C.F.R. § 1105.12, was advertised on February 4, 2013 in the Richmond Times-Dispatch, a newspaper of general circulation in the City of Richmond and Henrico County.



Louis E. Gitomer
February 21, 2013

Richmond Times-Dispatch

Advertising Affidavit

Account Number

3610049

P.O Box 85333
Richmond, Virginia 23293-0001
(804) 649-6208

Date

February 04, 2013

LOUIS E. GILMER
600 BALTIMORE AVE, SUITE 301
TOWSON, MD 21204

Date	Category	Description	Ad Size	Total Cost
02/10/2013	Legal Notices	CSX Transportation, Inc ("CSXT") and Norfolk Southern	2 x 41 L	256.00

CSX Transportation, Inc. ("CSXT") and Norfolk Southern Railway Company ("NSR") give notice that on or about February 6, 2013, they intend jointly to file with the Surface Transportation Board, Washington, DC 20423, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., pertaining to the abandonment and discontinuance of service by CSXT and NSR over a 1.55-mile railroad line known as the Jones River Industrial Tract, between State Road 5 and the end of the line, which traverses through United States Postal Service ZIP Code 22331 in the City of Richmond and Henrico County, VA (the "Line"). There are no dependents on the Line. The proceeding has been docketed as No. AB-95 (SL-95-753) for CSXT and No. AB-298 (SL-95-383) for NSR.

The Board's Office of Environmental Analysis ("OEA") will prepare by prepare an Environmental Assessment ("EA"), which will normally be available 60 days after the filing of the petition for abandonment and discontinuance of service exemption. Comments on environmental and energy matters should be filed on or later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, Washington, DC 20423 or by calling OEA at 202-245-4295.

Applicants for financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 40 copies of any pleading that raises matters other than environmental issues (such as public use, public use, and others of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423 (See 49 CFR 1104.11(a) and 1104.12(a)). and one copy must be served on applicants' representatives (See 49 CFR 1104.12(a)). Questions regarding matters of financial assistance may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Coordination at 202-245-4233. Copies of any comments or requests for conditions should be served on the applicants' representatives: for CSXT, Louis E. Gilmer, Law Offices of Louis E. Gilmer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204 410-296-2244, email at Lou@louisgilmer.com and for NSR, Robert A. Winkelsch, Baker & M Ber PLLC, 7421 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20031, 202-663-7824 email at rwin@bakerandber.com.

Publisher of the Richmond Times-Dispatch

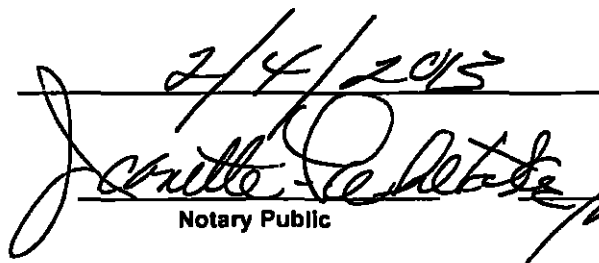
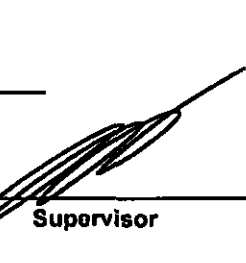
This is to certify that the attached CSX Transportation, Inc. was published by the Richmond Times-Dispatch, Inc. in the City of Richmond, State of Virginia, on the following dates:

02/04/2013

The First Insertion being given ... 02/04/2013

Newspaper reference: 0002896527

Sworn to and subscribed before me this

2/4/2013

Notary Public

Supervisor

State of Virginia
City of Richmond
My Commission expires _____

THIS IS NOT A BILL PLEASE PAY FROM INVOICE. THANK YOU

EXHIBIT F—CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. §1152.60(d), the undersigned hereby certifies that the Petition for Exemption in Docket No. AB-55 (Sub-No. 726X), *CSX Transportation, Inc –Abandonment and Discontinuance of Service Exemption—in the City of Richmond and Henrico County, VA* and Docket No. 290 (Sub-No. 303X), *Norfolk Southern Railway Company- Abandonment and Discontinuance of Service Exemption—in the City of Richmond and Henrico County, VA* was mailed via first class mail, postage prepaid, on February 21, 2013, to the following parties.

State Public Service Commission

Virginia Department of Transportation
1401 E. Broad Street
Richmond, VA 23219

Military Surface Deployment and Distribution Command Transportation Engineering Agency

Headquarters
Military Surface Deployment and Dist Cmd
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225-5357

National Park Service

Mr. Charlie Stockman
RTCA Program
National Park Service
1849 C St., NW (Org Code 2235)
Washington, DC 20240

National Park Service

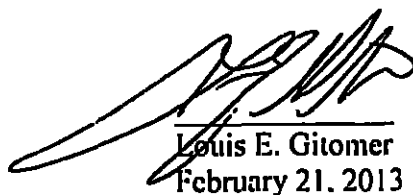
U.S. Department of Interior
National Park Service
Land Resources Division
1849 C St., NW
Washington, DC 20240

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Auditors' Building
14th Street and Independence Avenue, S.W.
Washington, DC 20250

Lehigh Cement Company.

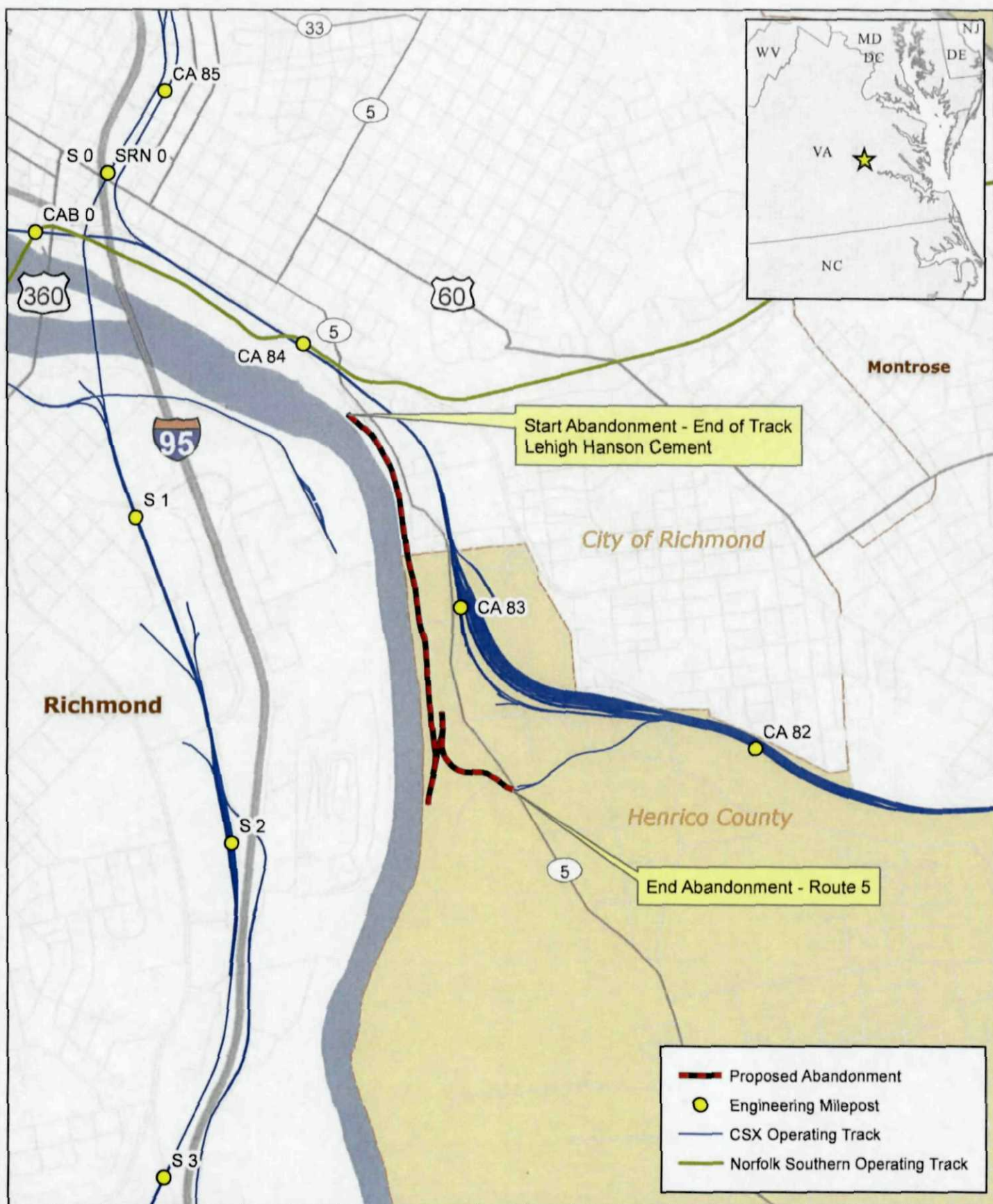
Mr. Kenneth Hundley
Lehigh Cement Company
3111 Water Street
Richmond, VA 23223



Louis E. Gitomer
February 21, 2013

EXHIBIT G—COLOR EXHIBITS

Pages are numbered to correspond to page numbering



CSX Properties Group, Inc.

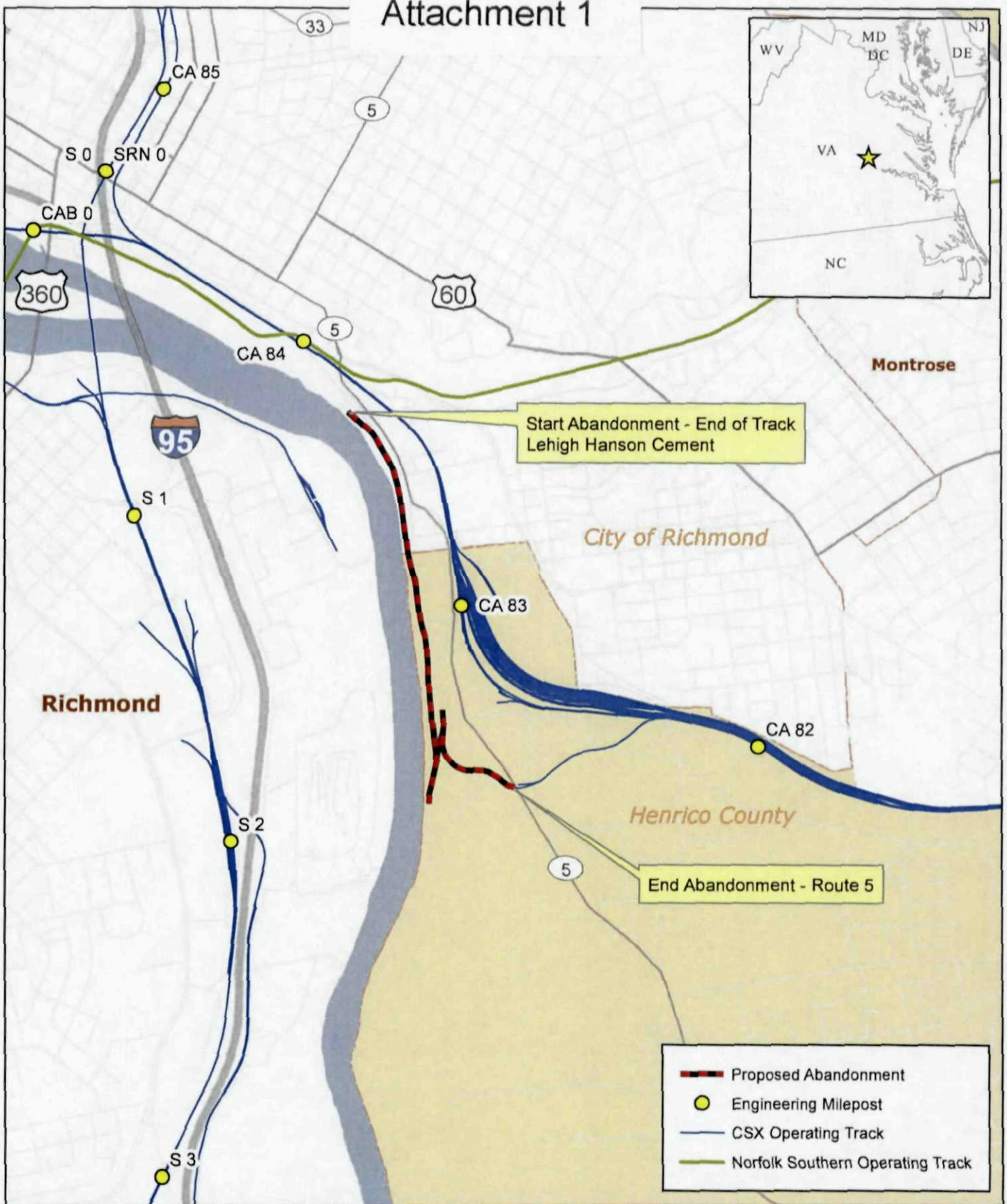
**CSX Transportation & Norfolk Southern Railway Company
Proposed Abandonment & Discontinuance of Service
City of Richmond, VA**

Total Distance of Approx. 1.55 Miles
STB Docket No. AB 55 (Sub-No. 726X) CSX Transportation
STB Docket No. AB 290 (Sub-No. 303X) Norfolk Southern Railway

0 1,000 2,000
Feet



Attachment 1



CSX Properties Group, Inc.

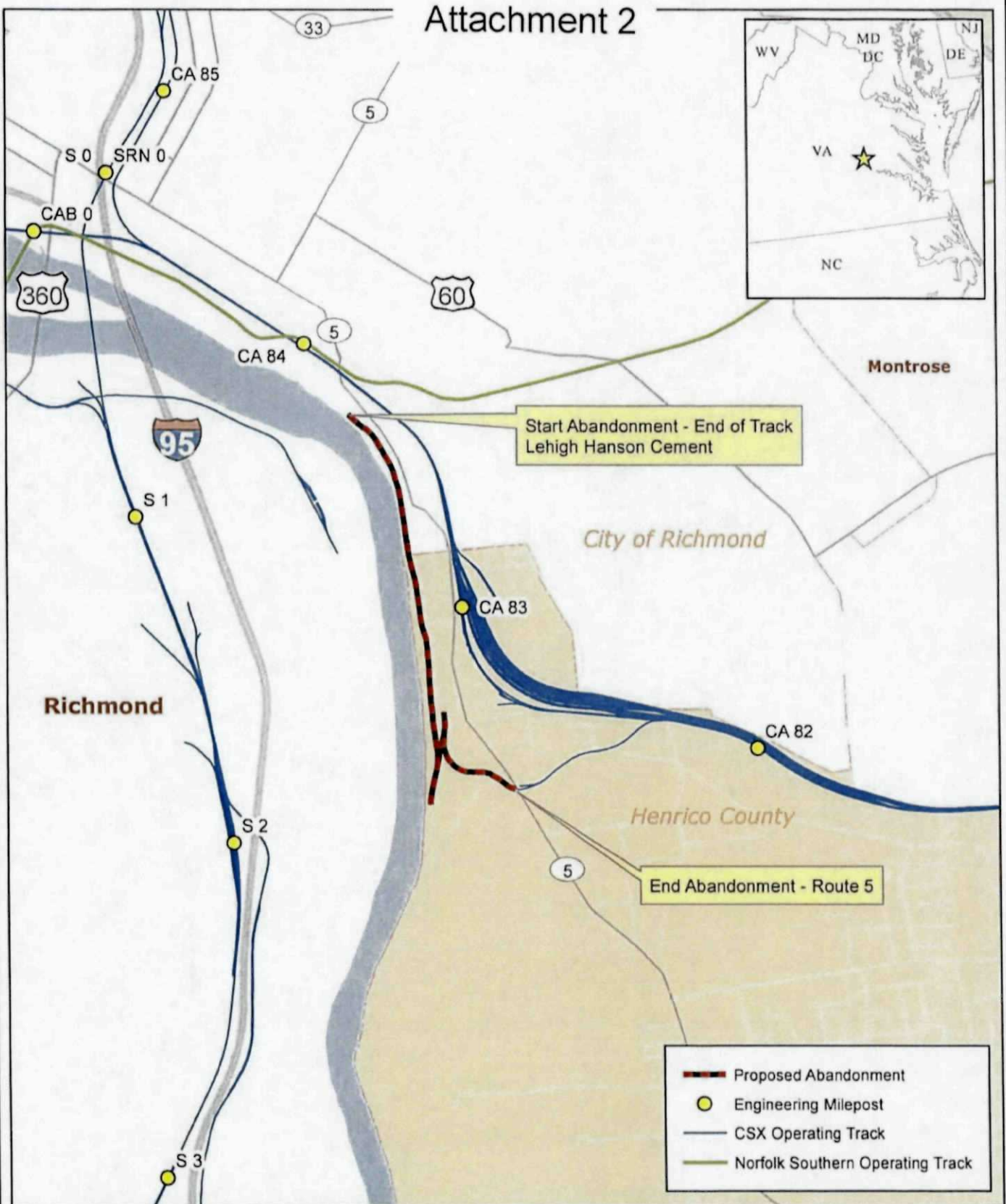
CSX Transportation & Norfolk Southern Railway Company Proposed Abandonment & Discontinuance of Service City of Richmond, VA

Total Distance of Approx. 1.55 Miles
STB Docket No. AB 55 (Sub-No. 726X) CSX Transportation
STB Docket No. AB 290 (Sub-No. 303X) Norfolk Southern Railway

0 1,000 2,000
Feet



Attachment 2



CSX Properties Group, Inc.

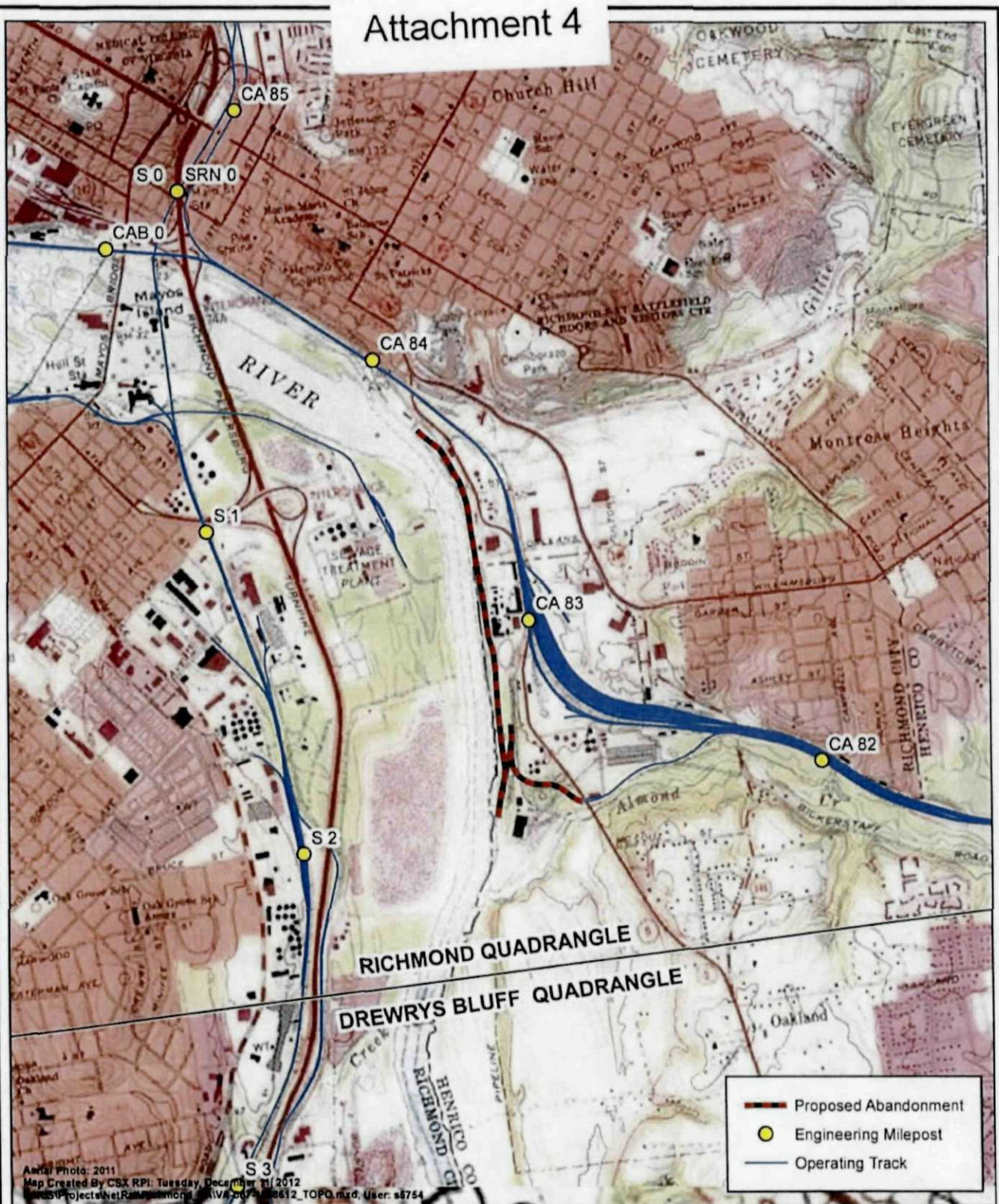
CSX Transportation & Norfolk Southern Railway Company Proposed Abandonment & Discontinuance of Service City of Richmond, VA

Total Distance of Approx. 1.55 Miles
STB Docket No. AB 55 (Sub-No. 726X) CSX Transportation
STB Docket No. AB 290 (Sub-No. 303X) Norfolk Southern Railway

0 1,000 2,000
Feet

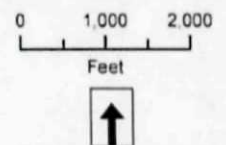


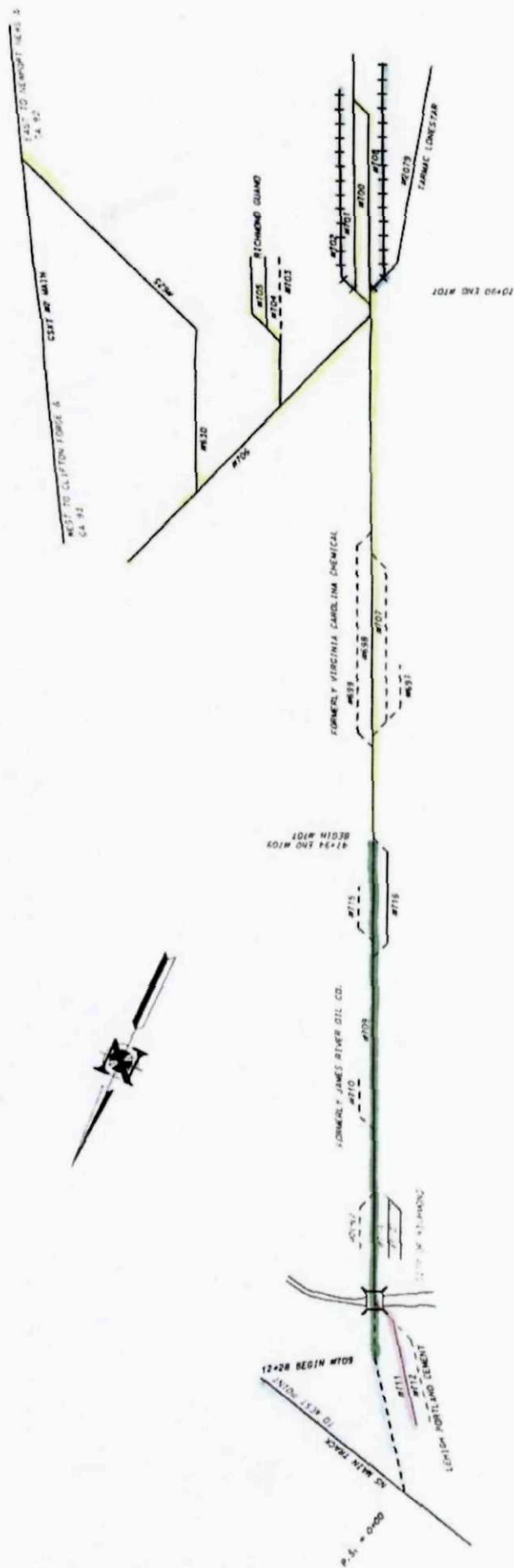
Attachment 4



CSX Properties Group, Inc.

Richmond Abandonment
Site ID: VA-087-1058612
Richmond City (Partly) - Henrico County - VA
Huntington Division - Peninsula Subdivision
Near Milepost CA 83





LEGEND

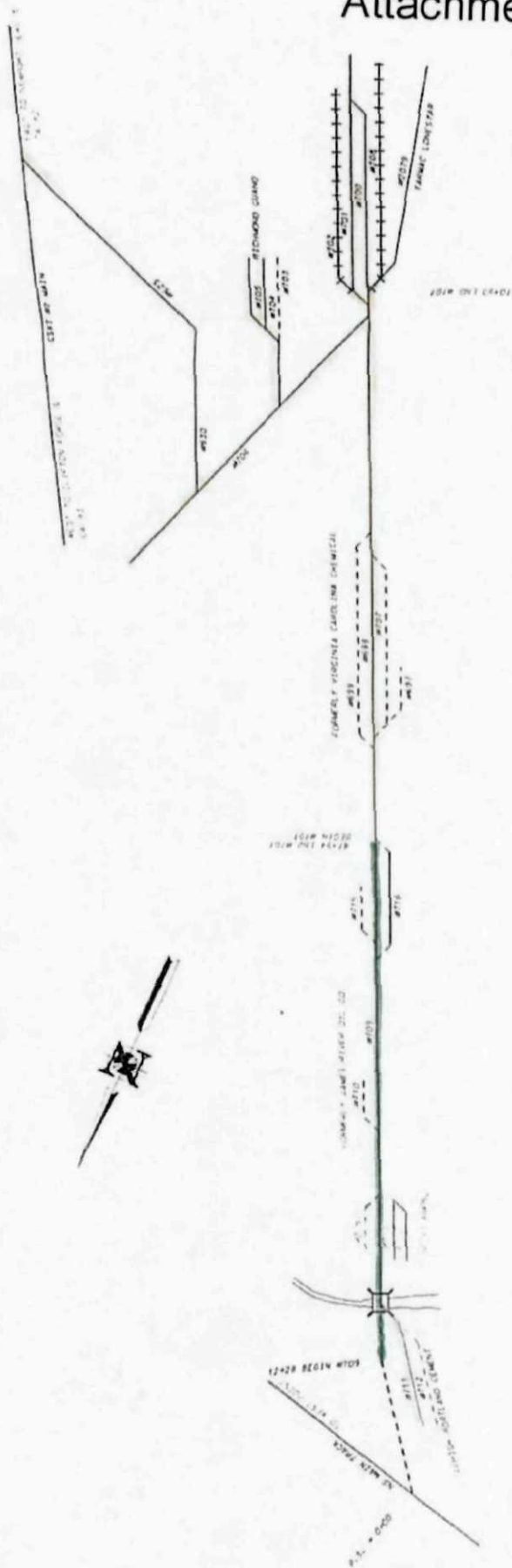
- EXISTING TRACK
- TRACKS RETIRED
- TRACK OWNED AND MAINTAINED BY NS
- TRACK JOINTLY OWNED BY CSXT & NS, MAINTAINED BY NS
- TRACK OWNED AND MAINTAINED BY LEHIGH PORTLAND
- TRACK OWNED AND MAINTAINED BY CITY OF RICHMOND
- TRACK OWNED AND MAINTAINED BY JAMES RIVER OIL
- TRACK OWNED BY CSXT AND MAINTAINED BY NS
- TRACK OWNED BY NS AND MAINTAINED BY CSXT
- TRACK OWNED AND MAINTAINED BY TARMAC LONESTAR

Joint and Scale 1:500

CSX TRANSPORTATION ENGINEERING DEPARTMENT DESIGN & CONSTRUCTION RICHMOND DISTRICT		JOINT FACILITIES, CSXT & NS BETWEEN LEHIGH PORTLAND & TARMAC LONESTAR RICHMOND HENRICO COUNTY & CITY OF RICHMOND VIRGINIA CENTRAL REGION PENINSULA SC	
REVISIONS FILE: R1706.DGN	SCALE: NONE DATE: 5-12-00 DRAWN BY: MEW CHECKED BY:	VAL. SEC. V-2	DRAWING NO. R1706

NOTE: THIS DRAWING WAS PREPARED FROM CSXT RECORDS AND JOINT FACILITY DRAWING NO. 12331-4, LAST REVISED JULY 31, 1952.

Attachment 7



LEGEND

- EXISTING TRACK
TRACKS RETIRED
TRACK OWNED AND MAINTAINED BY NS
TRACK JOINTLY OWNED BY CSXT & NS. MAINTAINED BY NS
TRACK OWNED AND MAINTAINED BY LEHIGH PORTLAND
TRACK OWNED AND MAINTAINED BY CITY OF RICHMOND
TRACK OWNED AND MAINTAINED BY JAMES RIVER OIL
TRACK OWNED BY CSXT AND MAINTAINED BY NS
TRACK OWNED BY NS AND MAINTAINED BY CSXT
TRACK OWNED AND MAINTAINED BY CSXT
TRACK OWNED AND MAINTAINED BY TARMAC LONESTAR

CSX	TRANSPORTATION	JOINT FACILITIES: CSXT & NS BETWEEN LEHIGH PORTLAND & TARMAC LONESTAR	RICHMOND	VIRGINIA	PENINSULA SC	GRADING NO.	R1706
REV#23906				MERIDIO COUNTY A CITY OF RICHMOND	CENTRAL REGION	VAL. REC. V-2	
						PCB/LTS NONE	
						DATED: 5-12-00	
						DRANKS-BALMEV	
						CREATED BY:	
							1706.DCN

2-26. 16 X 7000 DISTANCE 1571 4-15721 ON GUNNING AND SORCERER AND FOR GUNNING 1571 4-15721